

(O-98-51)

ORDINANCE NUMBER O- 18477 (NEW SERIES)

ADOPTED ON APR 07 1998

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0902, 103.0903, 103.0904, 103.0905, 103.0906, 103.0907, 103.0916, 103.0919, 103.0920, 103.0926, 103.0929, 103.0930, 103.0936, 103.0937, 103.0939, 103.0940, 103.0941, 103.0946, 103.0948, 103.0949, 103.0950, 103.0957, 103.0958, 103.0959, 103.0960, 103.0961, ALL RELATING TO BARRIO LOGAN PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0902, to read as follows:

SEC. 103.0902 Definitions

1. and 2. [No change.]
3. Live/Work Quarters (Lofts): An area comprised of one or more rooms or floors in a building originally designed for industrial or commercial occupancy. The new construction shall include cooking space, sanitary facilities, and living and working space for artists, artisans, and similarly situated individuals, as permitted by Land Development Code Section 141.0311.
4. Senior Citizens Housing: At least one person residing in each unit shall be at least 55 years of age or physically handicapped. Senior housing may also include facilities meeting state and federal program standards for such housing, and are subject to the standards contained in Land Development Code Section 141.0310.

5. through 8. [No change.]

9. Liquor Sales: Retail sales of alcoholic beverages pursuant to the provisions of Land Development Code Section 141.0502.

10. through 22. [No change.]

23. Single-Room-Occupancy ("SRO"): A dwelling unit as defined in Land Development Code Section 113.0103 and regulated by Land Development Code Chapter 14, Article 3, Division 5.

24. through 31. [No change.]

32. Child Care Facilities: Large family day care homes and child care centers subject to Land Development Code Section 141.0606.

33. through 49. [No change.]

Section 2. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0903, to read as follows:

SEC. 103.0903 Boundaries of Planned District Area

The regulations contained in this Division shall apply in all subdistricts of the Barrio Logan Planned District. The boundaries of the Barrio Logan Planned District in The City of San Diego, California, and its various subdistricts as amended are designated on Map Drawing No. C-840, on file in the office of the City Clerk as Document No. OO-17746 and contained in this Division as Figure 1. The Barrio Logan Planned District is generally bounded by Commercial Street on the north, Interstate 5 on the east, Division Street on the south, and the Mean High Tide Line (Port District) on the west.

Section 3. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is

amended by amending section 103.0904, to read as follows:

SEC. 103.0904 Administrative Regulations

A. Where not otherwise specified in this Division, the following chapters of the Land Development Code apply:

- Chapter 11 (Land Development Procedures);
- Chapter 12 (Land Development Reviews);
- Chapter 13 (Zones);
- Chapter 14, Article 1 (Separately Regulated Use Regulations);
- Chapter 14, Article 2, Division 1 (Grading Regulations);
- Chapter 14, Article 2, Division 2 (Drainage Regulations);
- Chapter 14, Article 2, Division 3 (Fence Regulations);
- Chapter 14, Article 2, Division 4 (Landscape Regulations);
- Chapter 14, Article 2, Division 5 (Parking Regulations);
- Chapter 14, Article 2, Division 6 (Public Facility Regulations);
- Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);
- Chapter 14, Article 2, Division 12 (Sign Regulations);
- Chapter 14, Article 3 (Supplemental Development Regulations);
- Chapter 14, Article 4 (Subdivision Regulations);
- Chapter 14, Article 5 (Building Regulations);
- Chapter 14, Article 6 (Electrical Regulations); and
- Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this division, this division shall apply. Where there is a conflict between the provisions of this Division and the goals and objectives of the Barrio Logan Redevelopment Plan (Ordinance No. 0-17644 (New Series)), the provisions of the Redevelopment Plan shall apply.

B. Any use, except for those uses permitted in this Division which existed on March 2, 1992, shall be considered a non-conforming previously conforming use. Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) shall apply except that expansion or enlargement of previously conforming uses is not permitted.

C. Prior to any change in business use, an applicant shall obtain a Zoning Use Certificate pursuant to Land Development Code Chapter 12, Article 3, Division 3 (Zoning Use Certificate Procedures).

D. Should an applicant wish to move a building from one location to another, the applicant shall first obtain a Neighborhood Development Permit pursuant to Land Development Code Section 143.0302.

E. [No change.]

Section 4. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0905, to read as follows:

SEC. 103.0905 Exceptions

A. The amendments herein shall not apply to any project for which a building permit has been obtained or for which a complete application has been received and accepted by the City prior to March 2, 1992. Amendments to approved permits shall be

subject to the provision of this Division.

B. Unless the work would expand a previously conforming use, approval by the City Manager is not required for interior modifications, repairs or alterations for which a building permit is not required as of March 2, 1992.

C. A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three, any or all of the following exceptions listed in Section 103.0905(C)(1) through (C)(6) to certain Redevelopment Subdistrict regulations provided such exception(s) would serve to carry out the purpose and intent of the Redevelopment Subdistrict. These exceptions shall be limited to the area within the Redevelopment Subdistrict bounded by Harbor Drive, the Coronado Bay Bridge rights-of-way and the Barrio Logan Redevelopment Project Area boundaries, and shall apply only if this portion of the Redevelopment Subdistrict continues to be used for marine oriented industries, and port related transportation uses. The exceptions are:

1. Section 103.0907 (Outdoor display, Operation and Storage) shall only apply to the portion of the property lying within fifty (50) feet of the Harbor Drive property line. All other property included within the exception area described in Section 103.0905(C), is exempt from the regulations of Municipal Code Section 103.0907.

2. [No change.]

3. Merchandise, material or equipment may be stored at a height greater than the wall or fence which screens it from Harbor Drive as allowed in Section 103.0905(C)(1) above, provided the merchandise, material, or equipment is located at least fifty (50) feet from the Harbor Drive property line.

4. Except for office buildings, the height of structures may exceed the maximum building height of thirty- five (35) feet or two (2) stories established in Section 103.0959 (Figure 3) of this Division. However, this exception shall apply only to structures which are an integral part of the exclusive use and directly related to the existing industrial operations on the property.

5. Should a property span two (2) or more Barrio Logan Subdistricts or span the Barrio Logan Planned District and the Centre City Planned District, that property shall be subject to consistent regulations to be determined by the Hearing Officer at the time of review.

6. In granting any exception, the Hearing Officer shall make the following findings:

a. and b. [No change.]

Section 5. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0906, to read as follows:

SEC. 103.0906 Permit Application, Review and Issuance

A. Barrio Logan Planned District Permit

A Barrio Logan Planned District Permit (Process Three) is required for all proposed development within the "Redevelopment Subdistrict" of the Barrio Logan Planned District. Additions to existing developments within the Redevelopment Subdistrict which meet all development regulations and do not exceed twenty percent (20%) of the existing floor area shall be reviewed as a Process One. All proposed development outside the redevelopment subdistrict which meets the relevant development

regulations shall be reviewed as a Process One. The City Manager may conduct further review and approve or deny an application for an exception from the provisions of the Barrio Logan Planned District in accordance with Process Two, when the application is for limited relief in the case of new construction or remodeling which would result in a finished product (all structures on the premises) deviating twenty percent (20%) or less from applicable development regulation pertaining to: required yards or setbacks, coverage, or special character design criteria included in Section 103.0939, Paragraph 7.). However, the City Manager shall require additional landscaping that may be feasibly placed on the site or parkway according to City- wide landscape standards, and/or other architectural features or improvements.

The City Manager shall in no case provide Administrative Review or approve an application for an exception from floor area ratio, height, density, amount of parking, or use.

The decision of the City Manager shall be based upon substantial conformance with the regulations and the Purpose and Intent of the Barrio Logan Planned District. The granting of a deviation shall be for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community.

The City Manager's decision may be appealed to a Hearing Officer in accordance with Land Development Code Section 112.0504. Prior to the filing of the application, the applicant shall pay to the City a deposit equal to the estimated cost of processing the application. The deposit shall be adjusted periodically by the City Manager to ensure full cost recovery. A current list of all deposits is kept in the office of the City Clerk.

B. The permit application shall be filed in accordance with Land Development Code Section 112.0102. An application for a Barrio Logan Planned District Permit may be approved, conditionally approved or denied by a Hearing Officer, in accordance with Process Three. The Hearing Officer's decision may be appealed to the Board of Zoning Appeals in accordance with Section 112.0506.

C. Coastal Development Permit

A Coastal Development Permit is required for all proposed development within the Barrio Logan Planned District except for development specifically exempted under Land Development Code Section 126.0704 or categorically excluded under order granted by the California Coastal Commission under Coastal Act section 30610(e).

D. No permit shall be issued for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, rehabilitation, demolition, move on, addition or enlargement of any building, structure or improvement, or for the occupancy of any building, structure or premises, or for the grading, subdivision or street closure, nor shall any site be used in any portion of the Barrio Logan Planned District until the application has been approved pursuant to Section 103.0906(A) and (B). Each applicant shall state the purpose for which the proposed building, structure or improvement is intended to be used. Applications for grading permits and demolition of structures shall not be accepted unless application is made concurrently for a building permit.

E. The City Manager shall review projects which affect historic sites designated pursuant to all applicable Municipal Code sections. All applications for the demolition or

removal of any building shall be submitted to the City Manager for review. The City Manager may approve, in accordance with Process One, an application for a demolition permit if it is determined that the site in question is not a potential historic site. The City Manager shall make that determination within ten (10) working days of the receipt of the application. If the City Manager does not make the determination within the specified period, the site shall be deemed not to be a potential historic structure. If the site is a potential historic structure, the demolition or removal permit application may be approved, conditionally approved or denied by the Planning Commission, in accordance with Process Four. The application shall not be approved for ninety (90) calendar days or until the Historical Resources Board has evaluated and acted on the site's historical significance, whichever occurs first. The provisions of Section 103.0906(E) do not apply to the following:

1. [No change.]
2. Any permit approved as part of a development project submitted, reviewed and approved in accordance with this Division, and provided that the development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. The environmental document shall be reviewed by the Historical Site Resources Board for the purpose of recommending to the City Manager whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

F. [No change.]

G. On behalf of the Redevelopment Agency of The City of San Diego, the City Manager or designee shall review all development proposals located within the "Redevelopment Subdistrict" of the Barrio Logan Planned District, and make recommendations to the Hearing Officer.

H. Variances and Conditional Use Permits.

1. Variances and conditional use permits may be granted where variances or permits would serve to carry out the purpose and intent of the Barrio Logan Planned District, provided findings are made in accordance with Land Development Code Section 126.0305 or Section 126.0805 as applicable.

2. Applications for zone variances or conditional use permits shall be processed concurrently with any other required discretionary actions relating to the subject property, in accordance with Land Development Code Section 112.0103.

I. The procedure for application for Variance, Conditional Use Permit and Subdivision, as well as the procedures for taking action on such matters, shall be the same as set forth in Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews).

Section 6. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0907, to read as follows:

SEC. 103.0907 Outdoor Display, Operation and Storage

In the Barrio Logan Planned District, the following regulations shall apply to all commercial and industrial uses in all Subdistricts:

1. [No change.]

a. through d. [No change.]

e. Any other merchandise which the City Manager 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.

2. through 4. [No change.]

5. The City Manager may approve the use of other building materials for required walls, fences, and gates if he finds that such other building materials will be at least equal to the required materials in presenting a neat and attractive appearance. A change from the building material requirement, or to a lesser height, can be made pursuant to Land Development Code Chapter 12, Article 6, Division 8 (Variance Procedures).

6. and 7. [No change.]

Section 7. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0916, to read as follows:

SEC. 103.0916 Subdistrict "A" - Permitted Uses

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. through 7. [No change.]

8. Temporary real estate sales offices and model homes in new subdivisions, subject to the limitations as set forth in Land Development Code Section 141.0701.

9. Any use permitted in the IL-3-1 zone (Land Development Code Section 131.0622) for lots or premises used for industrial or commercial activities or occupied by

buildings designed for industrial or commercial use, including lots integrated by use into such industrial or commercial premises, which existed on the effective date of this ordinance.

10. [No change.]

a. through c. [No change.]

d. Signs

(1) [No change.]

(2) For apartment houses, boarding and lodging houses, churches, temples, or buildings of a permanent nature used primarily for religious purposes - wall signs as defined in Land Development Code Section 113.0103, designating the permitted uses of the premises, provided that no such sign shall project above the parapet or eaves of the buildings to which affixed or exceed a height of 12 feet, whichever is lower. In addition, one single or double-faced freestanding sign designating the permitted uses of the premises facing or adjacent to each street abutting the property. The height of any freestanding sign shall not exceed eight feet measured vertically from the base at ground level to the apex of the sign.

(3) through (6) [No change.]

(7) Nonresidential uses - on- premises signs are permitted if constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

11. Any other uses which may be determined by the Planning Commission, in

accordance with Process Four, which are consistent with the purpose and intent of this Subdistrict "A". The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

Section 8. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0919, to read as follows:

SEC. 103.0919 Subdistrict "A" - Property Development Regulations

[No change in first paragraph.]

1. Minimum Lot Requirements

a. through d. [No change.]

e. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237, and which does not comply in all respects with the minimum lot requirements specified in this ordinance may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this Subdistrict.

2. Minimum Yards

a. [No change.]

b. Side.

(1) and (2) [No change.]

c. [No change.]

3. and 4. [No change.]

5. Maximum Driveway Width.

Driveway width and spacing shall comply with Land Development Code Section

141.0560.

6. Landscaping.

a. [No change.]

b. For any lot which is being developed with two (2) or more dwelling units, or with a nonresidential use and prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the City Manager for approval; said landscaping and irrigation plan shall be in conformance with the Landscape Guidelines of the Land Development Manual.

c. [No change.]

d. Landscaping required in Sections 103.0919(6)(a), (6)(b) and (6)(c) above, is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five (5) years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the Development Services Director City Manager. If the substitute landscaping is determined to be infeasible, no substitute landscaping shall be required.

Section 9. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0920, to read as follows:

SEC. 103.0920 Subdistrict "A" - Off-Street Parking Regulations

1. Parking shall be provided in accordance with Land Development Code Chapter

14, Article 2, Division 5 (Parking Regulations).

2. [No change.]

3. For all lots which abut an alley, all on-street parking spaces that are at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

4. [No change.]

5. 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 any structures which existed on such affected lot or premises as of the effective date of this ordinance shall be excluded.

Section 10. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0926, to read as follows:

SEC. 103.0926 Subdistrict "B" Permitted Uses

[No change in first paragraph.]

1. through 3. [No change.]

4. Any nonresidential use permitted in the IH-2-1 zone as set forth in Land

Development Code Section 131.0622.

5. and 6. [No change.]

7. Accessory uses for any of the foregoing permitted uses including on-premises signs constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated and abated in accordance with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

Section 11. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0929, to read as follows:

SEC. 103.0929 Subdistrict "B" - Property Development Regulations

[No change in first paragraph.]

1. Minimum Lot Requirements.

a. through d. [No change.]

e. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237, and which does not comply in all respects with the minimum lot requirements specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this Section.

2. through 4. [No change.]

5. Maximum Driveway Width.

Driveway width and spacing shall comply with Land Development Code Section 142.0560.

6. Landscaping.

a. Prior to the use and occupancy of any premises of twenty-five feet (25') in width or less, a minimum of two percent of said premises which shall be visible from an immediate abutting public street right-of-way, shall be suitably landscaped with shrubs, trees, and ornamental ground cover. The minimum landscaping requirement shall increase one-half of one percent for each twenty-five feet (25') of parcel width but need not exceed a maximum of five percent (5%). The landscaped area may include planter boxes and potted plants if said items are approved by the City Manager.

b. Prior to the issuance of any building permits, a complete landscaping plan and irrigation plan shall be submitted to the City Manager for approval. This landscaping plan and irrigation plan shall be in conformance with the requirements of this Section 103.0929 and with the Landscape Guidelines of the Land Development Manual.

c. [No change.]

d. Minimum Planting Standards. Unless other planting requirements are specified in a landscape plan approved by the City Manager, required landscaped strips on lots used for commercial and industrial uses shall include:

For each fifteen linear feet (15 lin. ft.) of lot frontage, front and street side: one tree ten feet in height or more at maturity.

For each one hundred square feet (100 sq. ft.) or portion thereof required front and street side yards: five shrubs.

e. Landscaping required in Sections 103.0929(6)(a), (6) (b) and (6)(c) above is required for all commercial and industrial uses which existed on the effective

date of this Planned District adoption and shall be installed within five years of the effective date of this Planned District adoption; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the City Manager.

Section 12. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0930, to read as follows:

SEC. 103.0930 Subdistrict "B" - Off-Street Parking Regulations

1. Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

2. For all lots which abut an alley, all on-street parking spaces that are at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

3. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified in SEC. 103.0915 (Permitted Uses), above is found to be a permitted use, the off-street parking requirement shall be consistent with that for similar uses in this Subdistrict.

4. 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 ordinance shall be excluded.

Section 13. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0936, to read as follows:

SEC. 103.0936 Subdistrict "C" - Permitted Uses

[No change in first paragraph.]

1. through 5. [No change.]

6. The following conditional uses may be permitted according to the regulations set forth in Municipal Code Section 103.0105 and Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

a. through d. [No change.]

Section 14. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0937, to read as follows:

SEC. 103.0937 Subdistrict "C" - Sign Regulations

All properties in Subdistrict "C" shall comply with the sign regulations set forth in Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

Section 15. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is

amended by amending section 103.0939, to read as follows:

SEC. 103.0939 Subdistrict "C" - Property Development Regulations

[No change in first paragraph.]

1. Minimum Lot Requirements:

a. through d.

e. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot requirements specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this Subdistrict.

2. through 5. [No change.]

6. Driveway Standards:

Driveway width and spacing shall comply with Land Development Code Section 142.0560.

7. [No change.]

8. Landscaping:

All landscaping shall conform with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

Section 16. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0940, to read as follows:

SEC. 103.0940 Subdistrict "C" - Enclosure Regulations

1. [No change.]

2. Applicable fence and wall regulations are contained in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

Section 17. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0941, to read as follows:

SEC. 103.0941 Subdistrict "C" - Off-Street Parking Regulations

1. Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

2. Where a property is served by an improved alley, at least two-thirds of the required automobile parking shall be accessed from the alley, and all on-street parking spaces at least 20 feet in length measured along a full height curb shall be counted toward off-street parking requirements.

3. 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 subsection, "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.

4. Parking in front setbacks is prohibited.

Section 18. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0946, to read as follows:

SEC. 103.0946 Subdistrict "D" - Permitted Uses

1. In Subdistrict "D," 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 uses permitted in the IH-2-1 zone as set forth in Land Development Code Section 131.0622 provided, however, that the following uses are prohibited:

a. through g. [No change.]

2. On-premises signs are permitted if constructed, fabricated, erected, installed, attached, fastened, placed, positioned, operated, and abated in accordance with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

Section 19. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0948, to read as follows:

SEC. 103.0948 Subdistrict "D" - Property Development Regulations

[No change in first paragraph.]

1. Minimum Lot Requirements.

a. through d. [No change.]

e. Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot requirements specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

2. through 4. [No change.]

5. Maximum Driveway Width. Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

6. Landscaping.

a. Prior to the use or occupancy of any lot or premises, a planting strip shall be required along those portions of the perimeter of the lot or premises adjoining street highways and public places except where driveways and sidewalks are located. The planting strip shall have a depth of not less than ten feet (10'). Landscaping and irrigation shall be in conformance with the Landscape Guidelines of the Land Development Manual. Approved landscaping, including any required irrigation systems, shall be installed prior to the use or occupancy of any lot or premises and shall be in conformance with the approved landscaping and irrigation plans. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Section 103.0948(6)(a).

b. Landscaping required in Section 103.0948(6)(a), is required for all commercial and industrial uses which existed on the effective date of this ordinance and shall be installed within five (5) years of the effective date of this ordinance; provided, however, that for any portion of the lot or premises where no minimum yard is required, planter boxes or a landscaped strip between the property line and curb of the adjacent public street shall be substituted for the required landscaping. Such substitute landscaping shall be subject to the approval of the City Manager.

Section 20. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0949, to read as follows:

SEC. 103.0949 Subdistrict "D" - Off-Street Parking

1. Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

2. For all lots which abut an alley, all on-street parking spaces that are at least 20 feet in length measured along a full height curb shall be counted toward the off-street parking requirements.

3. 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 ordinance shall be excluded.

Section 21. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0950, to read as follows:

SEC. 103.0950 Subdistrict "D" - Exceptions

1. A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three, an application for an exception to certain Subdistrict "D" regulations

where such exception would serve to carry out the purpose and intent of this Subdistrict. These exceptions shall be limited to the area within Subdistrict "D" which is on the westerly side (bay side) of Harbor Drive or the southerly side of 32nd Street, and may include any or all of the following exceptions:

a. through e. [No change.]

f. All uses shall be exempt from the provisions of Section 103.0948(6)(a), (Landscaping), provided that a landscaped strip of not less than ten feet (10') in depth be provided along all property fronting on the Harbor Drive or Main Street right- of-way. Landscaping shall be in substantial conformance with the Landscape Guidelines of the Land Development Manual. Substantial conformance shall be determined by the "Hearing Officer." Approved landscaping, including any required watering systems, shall be installed prior to the use or occupancy of any lot or systems shall be in substantial conformance with the approved landscaping plan. All required landscaped areas shall be permanently maintained in accordance with the adopted standards referred to in this Section 103.0950(1)(f).

2. The Hearing Officer shall further find that in granting or conditionally granting these exceptions that:

a. through c. [No change.]

3. The Hearing Officer's decisions on the application requesting the exception may be appealed to the Board of Zoning Appeals in accordance with Land Development Code 112.0506.

Section 22. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is

amended by amending section 103.0957, to read as follows:

SEC. 103.0957 "Redevelopment Subdistrict" - Land Use Classifications

Permitted land uses within the Barrio Logan Redevelopment Subdistrict are grouped into Land Use Classifications. Land use classifications describe one (1) or more uses having similar characteristics but do not list every use or activity that may be appropriate within the use classification. If a classification of use is necessary, the Planning Commission shall make that determination, in accordance with "Process Four," taking into consideration the purpose and intent of the Redevelopment Subdistrict. The Planning Commission shall adopt a resolution embodying their determination. Certain land uses, as indicated in Section 103.0957, shall be examined on a case by case basis by the City Manager to determine whether and under which conditions those uses may be approved at a given site in accordance with Municipal Code Section 103.0105.

A. RESIDENTIAL

1. and 2. [No change.]

3. Live/Work Quarters (Lofts): live/work quarters (lofts) shall be permitted within the Redevelopment Subdistrict of the Barrio Logan Planned District.

4. and 5. [No change.]

6. Mercado District Residential: This classification applies to the block bounded by Newton Avenue, Evans Street, Dewey Street and Main Street. Convenience commercial uses may include uses listed in Section 103.0957(C). Accessory uses may include, but not be limited to, recreation centers, health/fitness clubs and child care centers. Combined convenience commercial services and accessory uses shall not have a

total square footage greater than twenty-five percent (25%) of the gross square footage of the lot area.

B. COMMERCIAL RETAIL

1. through 3. [No change.]

4. Limited Commercial: This classification applies only to the Residential Use designation shown in Table 1 of Section 103.0957, and includes establishments listed in Municipal Code sections 101.0935(B)(1), (B)(2), (C)(1), (C)(4), (C)(5), (C) (7), (C)(9), (C)(10) and (D)(1) provided such establishments front a public street, are directly accessible from the sidewalk, and do not have a total square footage greater than twenty percent (20%) of the total gross square footage of the lot area. This classification excludes home occupations described in Land Development Code Section 141.0308.

C. COMMERCIAL SERVICES

1. and 2. [No change.]

3. Building Materials and Services: This classification includes but is not limited to tool and small equipment sales or rentals (no ridden equipment) and building contractors' showrooms, but excludes activities classified under vehicle/equipment sales and services, as set out in Section 103.0957(F).

4. Business, Communication and Home Services: This classification excludes activities specified under vehicle/ equipment sales and services in Section 103.0957(F).

5. and 6. [No change.]

7. Eating and Drinking Establishments: The sale of alcoholic beverages in the Barrio Logan Planned District must comply with the provisions of Land Development Code Section 141.0502.

8. through 11. [No change.]

12. Visitor Accommodations:

a. and b. [No change.]

c. Single-Room-Occupancy ("SRO"): Within the Barrio Logan Redevelopment Subdistrict, each SRO unit shall have a minimum of two hundred (200) square feet, and the project shall not exceed 1.0 FAR. A Conditional Use Permit (CUP), decided by Process Three is required. SRO's shall be separated by a straight line (measured from property line to property line) of no less than one-quarter mile to another SRO within the Barrio Logan Planned District.

D. [No change.]

E. PUBLIC AND QUASI PUBLIC

1. through 8. [No change.]

9. Nonprofit, Charitable Institutions: A Conditional Use Permit (CUP) decided in accordance with Process Four is required.

10. Limited Community and Human Care Facilities:

a. Primary Health Care: A Conditional Use Permit (CUP) decided in accordance with Process Four is required.

b. Residential Care: A Conditional Use Permit (CUP) granted pursuant to Section 141.0312, is required.

11. Utilities: In no case shall any utility or communication infrastructure exceed the height limitations contained in this Division. This classification excludes satellite antenna which are permitted throughout the Barrio Logan Planned District subject to the provisions of Land Development Code Section 141.0405.

F. VEHICLE/EQUIPMENT SALES AND SERVICES

1. through 3. [No change.]

4. Automobile Service Stations: Automobile service stations are subject to Land Development Code Section 103.0105.

G. LIGHT INDUSTRIAL

1. Manufacturing: This classification also includes pharmaceutical manufacturing, cleaning and canning of edible products, and those uses permitted in the IP-2-1 zone as set forth in Land Development Code Section 131.0622, except that basic industrial processing from raw materials is excluded and establishments engaged in the manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following uses are not permitted:

- a. Aircraft manufacturing and assembly
- b. Aircraft parts other than engines
- c. Farm machinery and equipment
- d. Guided missiles and space vehicles
- e. Motor vehicles, parts, and accessories
- f. Small arms.

All industrial activity shall be located within an enclosed building. No

use, activity, nor process shall produce vibrations, noxious odors, or noises that are perceptible without instruments by the average person at the property lines of a site.

2. through 7. [No change.]

H. [No change.]

I. ACCESSORY USES

Accessory Uses and Structures: Those uses and structures as defined by Land Development Code Section 113.0103.

J. OTHER USES

Any other uses which the Planning Commission may determine, in accordance with "Process Four", to be similar in character and type to the uses, including accessory uses enumerated above, and consistent with the purpose and intent of the Redevelopment Subdistrict.

K. [No change.]

Section 23. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0958, to read as follows:

SEC. 103.0958 "Redevelopment Subdistrict" - Intensity of Development

A. MAXIMUM DENSITY FOR RESIDENTIAL DEVELOPMENT

Maximum residential density within the Redevelopment Subdistrict shall be one dwelling unit per one thousand (1,000) square feet, or forty-three (43) units per gross acre, plus an optional twenty-five percent (25%) bonus density for very low, low and moderate income dwelling units (in compliance with Land Development Code Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations) up to a

maximum density of fifty-three (53) dwelling units per gross acre, as shown in Figure 3 of this section.)

1. When a proposed residential development meets the density set forth in Section 103.0958(A):

a. and b. [No change.]

B. MAXIMUM FLOOR AREA RATIO (FAR) FOR NONRESIDENTIAL DEVELOPMENT

Maximum FAR permitted within the Redevelopment Subdistrict shall be as shown in Figure 3 of Section.

C and D. [No change.]

Section 24. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0959, to read as follows:

SEC. 103.0959 "Redevelopment Subdistrict" - Property Development Regulations

[No change in first paragraph.]

A. MINIMUM LOT AREA AND DIMENSIONS

1. through 4. [No change.]

5. Exceptions: Any lot or parcel which does not comply with all the minimum lot dimensions set forth in Section 103.0959(a) may nevertheless be used as a building site provided the lot or parcel qualifies as a legal lot pursuant to Land Development Code Section 113.0103 and Section 113.0237.

B. [No change.]

C. MINIMUM SETBACK REQUIREMENTS

1. [No change.]

a. [No change.]

b. Interior side - five (5) feet up to two (2) stories. Eight (8) feet above two stories. On lots less than twenty-five (25) linear feet in lot width, the minimum required interior side setback shall be zero. For the purposes of this section 103.0959, a story equals ten (10) feet maximum.

c. and d. [No change.]

e. As an alternative to providing a front setback, residential developments may add (combine) the required front setback area to the common, exterior usable area required in Section 103.0959(D)(1).

f. [No change.]

g. An unroofed portion of a structure or terrace less than three (3) feet above the surface ground level shall be permitted within the front yard setback area. Roofed, open appendages such as porches and balconies may encroach up to five (5) feet into the required front setback area. To qualify as open appendages, railings and enclosures not exceeding four (4) feet in height must be located on at least forty percent (40%) of the perimeter of such open appendage. Encroachments as permitted in Section 103.0959, and as amended from time to time, are not allowed on the street side, interior side or rear setback areas.

2. Nonresidential

a. Front - zero, as described in Section 103.0959(E)(2).)

b. Interior side - zero. The Hearing Officer may require a ten foot

(10 ft.) interior side setback where a project is adjoining an existing residential project in order to maintain adequate provisions for light and air.

c. Street side - zero , as described in Section 103.0959(E)(2).

d. and e. [No change.]

3. [No change.]

D. [No change.]

E. PEDESTRIAN ORIENTATION DESIGN CRITERIA

[No change in first paragraph.]

1. [No change.]

2. Nonresidential:

a. Nonresidential building walls shall be continuously extended at least sixty-five percent (65%) of the street frontage and shall be located at the property line, or within five feet (5') of the property line. Facade indentations shall be limited to five feet (5') in depth. The continuity of the required street wall may be interrupted if pasajes are provided. For purposes of this Division, the term "pasaje" means a mid-block pedestrian passageway flanked by uses which have entrances or windows facing the passageway. On all corner parcels within the Redevelopment Subdistrict the building wall required by this Section 103.0959 shall occupy the corner facing the street intersection. No surface parking areas or garages shall be permitted on corners of lots facing a street intersection. If the premises are bounded on all sides by pedestrian-oriented streets as designated in Section 103.0959, an exception to this section shall be made by the Hearing Officer, as to one or two abutting streets bounding the

parcel in question.

b. through d. [No change.]

e. [No change in first paragraph.]

The required wall or fence shall be made of masonry, brick or similar materials compatible with the buildings on the premises. Chain link and similar type fences are not permitted.

All above-grade parking space visible from the public right-of-way shall be architecturally screened or enclosed.

Temporary, surface parking during the period of construction is exempted from Section 103.0959(E) (2)(e).

f. Off-street loading areas shall not be located immediately adjacent to avenues or streets listed in Section 103.0959(E).

g. [No change.]

F. OTHER DESIGN CRITERIA

1. The facade of buildings having three (3) or more stories shall stepback at least once above the first story to allow for balconies, roof terraces, and decks, as described by Section 103.0959(D)(2).

2. through 4. [No change.]

G. MAXIMUM BUILDING HEIGHT

1. The maximum building heights and number of stories permitted within the Redevelopment Subdistrict shall be as shown in Section 103.0959, Figure 4. Height shall be measured in accordance with Land Development Code Section 113.0270.

2. [No change.]

H. LANDSCAPING REGULATIONS

1. Except as specified otherwise in this Division, all landscaping shall conform with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

2. [No change.]

I. SIGNS

All signs shall conform to Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

J. PARKING ACCESS

1. Driveways shall be in conformance with Land Development Code Section 142.0560.

2. [No change.]

Section 25. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0960, to read as follows:

SEC. 103.0960 "Redevelopment Subdistrict" - Parking Requirements and Regulations

A. GENERAL

Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

B. ADDITIONAL PARKING REGULATIONS

1. through 3. [No change.]

4. Tandem parking shall be permitted only for residential uses and subject to Land Development Code Section 142.0555.

5. Shared parking for nonresidential uses shall be permitted according to Land Development Code Section 142.0545.

6. [No change.]

Section 26. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code is amended by amending section 103.0961 to read as follows:

SEC. 103.0961 Failure to Maintain

A. [No change.]

B. Procedures for the abatement, removal and enjoinder of such public nuisance shall be as set forth in Land Development Code Chapter 12, Article 1, Division 3 (Violations of the Land Development Code and General Remedies) in addition to other remedies as provided by law.

Section 27. This ordinance shall take effect and be in force on May 1, 1998 or on the date the Coastal Commission unconditionally certifies the provisions subject to Coastal Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
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Or.Dept:Dev.Svcs.
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