

(O-98-56)

ORDINANCE NUMBER O- **18482** (NEW SERIES)

ADOPTED ON **APR 07 1998**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0302.1, 103.0302.2, 103.0302.3, 103.0303.1, 103.0303.2, 103.0303.3, 103.0303.4, 103.0304.1, 103.0304.2, 103.0304.3, 103.0304.4, 103.0304.6, 103.0304.7, 103.0305, 103.0306, ALL RELATING TO LA JOLLA SHORES PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0302.1, to read as follows:

SEC. 103.0302.1 Administration of the La Jolla Shores Planned District

- A. The City Manager shall administer the La Jolla Shores Planned District.
- B. Powers and Duties.

It is the duty of the City Manager to administer and ensure compliance with the regulations and procedures contained within this division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this division.

Section 2. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0302.2; to read as follows:

SEC. 103.0302.2 La Jolla Shores Planned District Advisory Board

A. LA JOLLA SHORES PLANNED DISTRICT ADVISORY BOARD

CREATED

1. through 3. [No change.]

4. The City Manager shall serve as Secretary of the Board and as an ex officio member and maintain records of all official actions of the Review Board. The Secretary shall not be entitled to vote.

5. and 6. [No change.]

B. POWERS AND DUTIES

It shall be the duty of the Advisory Board to review all applications for permits referred to it including applications for Planned Development Permits for residential development within the La Jolla Shores Planned District and to submit its recommendations or comments on these matters in writing within 30 calendar days to the City Manager. When the California Environmental Quality Act requires that an Environmental Impact Report be prepared in conjunction with an application within the Planned District, the Advisory Board shall review this report before submitting its recommendation to the City Manager. It shall also recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this division. The Advisory Board shall utilize architectural criteria and design standards adopted by the City Council in evaluating the appropriateness of any development for which a permit is applied under this division.

Section 3. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0302.3, to read as follows:

SEC. 103.0302.3 Procedures for Permits Application and Review

A. A La Jolla Shores Planned District Permit shall be issued pursuant to Land Development Code Chapter 14, Article 5 (Building Regulations) and Chapter 6, Article 2 (Public Rights-of-Way and Land Development), before the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Planned District or any building which is moved into the Planned District or any grading or landscaping. A La Jolla Shores Planned District Permit is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required.

B. The applications shall include the following:

1. through 4. [No change.]

5. Within the Coastal Zone, where any portion of a lot contains slopes of 25 percent or greater, the information required to accompany an application for a Site Development Permit for environmentally sensitive resources shall also be required to accompany an application for a permit in accordance with the La Jolla Shores Planned District.

6. Any other information deemed necessary by the Advisory Board and the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. The City Engineer shall refer all applications made under Section

103.0302.3(A) to the City Manager.

D. A La Jolla Shores Planned District Permit may be approved, conditionally approved, or denied by a Hearing Officer, in accordance with Process Three, after receiving written recommendations or comments from the Advisory Board. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. Applications for Planned Development Permits shall be processed in accordance with Land Development Code Chapter 11 (Land Development Procedures) and Chapter 12 (Land Development Reviews). Action by the Hearing Officer on applications, other than those for Planned Development Permits, shall follow receipt of recommendation or comments from the Advisory Board and shall include a statement that the Hearing Officer finds that the building, structure, or improvements for which the permit was applied does or does not conform to the regulations contained herein. If the Hearing Officer determines that the proposed development does not conform to the regulations in this Division, the specific facts on which that determination is based shall be included in the written decision. Applications for improvements to patio covers, decks, fences, retaining walls, uncovered swimming pools, unlighted tennis courts, single family residences and any addition to or alteration of any structure which the City Manager determines to be minor in scope, may be approved or denied in accordance with Process One, by the City Manager, without receiving recommendations or comments from the Advisory Board. Notwithstanding the foregoing provision, the City Manager may refer an application for such improvement to the Advisory Board for a recommendation before taking action on the application. The

City Manager may approve the application if the City Manager determines that the improvement conforms to the architectural criteria and design standards adopted by the City Council.

E. Within 60 days after the submission of a complete application to the City Manager, the City Manager shall send the decision in writing to the applicant and City Engineer, except when the applicant requests or agrees to an extension of time.

F. A La Jolla Shores Planned District Permit granted by the City as herein provided, shall expire and become void 36 months after the "Date of Final Action" on the permit if the permit is not utilized in the manner set forth in Land Development Code Section 126.0108 and Section 126.0109.

G. A Hearing Officer may grant an extension of time in accordance with the provisions set forth in Land Development Code Section 126.0111. To initiate a request for extension of time, the property owner or owners shall file a written application with the City Manager. The extension of time may be approved if there has been no material change of circumstances since the permit was originally granted.

H. [No change.]

Section 4. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0303.1, to read as follows:

SEC. 103.0303.1 Planning, Zoning and Subdivision Regulations Which Apply

Within the La Jolla Shores Planned District, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, (Zones);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage 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 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 applies. In addition, Municipal Code Section 103.0105(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 103.0105(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

Section 5. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0303.2, to read as follows:

SEC. 103.0303.2 Previously Conforming Uses and Structures

A. [No change.]

B. Any discontinuance of a previously conforming use for a period of 12 continuous months shall be deemed to constitute abandonment of any previously conforming rights existing at the time of the enactment of the Division.

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

D. Improvements, repairs and alterations which do not increase the degree of nonconformity of a previously conforming building, structure or improvement are permitted.

E. If any previously conforming building be destroyed by fire, explosion, act of God, or act of the public enemy to the extent of twice the assessed value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations of this division. In the event it is determined by the Fire Chief of The City of San Diego the destruction was incendiary in origin then the building may be completely restored or rebuilt not exceeding the size of the original building.

Section 6. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0303.3, to read as follows:

SEC. 103.0303.3 Height Limitation -- Measurement Of

The height of the building or structure, and measurement thereof shall be in accordance with this division and Land Development Code Chapter 11, Article 3,

Division 2 (Rules for Calculation and Measurement).

Section 7. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0303.4, to read as follows:

SEC. 103.0303.4 General Design Regulations

[No change in first paragraph.]

A. through C. [No change.]

D. GRADING REGULATIONS

1. It is the intent of these regulations to preserve canyons and to prevent the cutting of steep slopes and the excessive filling to create level lots. No grading or disruption of the natural terrain shall be permitted until a permit which includes grading has been approved by the City Manager.

2. [No change.]

3. In evaluating a development for consistency with the above required findings, the appropriate decision-maker shall utilize the provisions set forth in Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

Section 8. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.1, to read as follows:

SEC. 103.0304.1 Single-Family Zone -- Permitted Uses

[No change in first paragraph.]

1. through 7. [No change.]

A. [No change.]

B. SPECIFIC TRACT REQUIREMENTS

[No change in first paragraph.]

1. [No change.]

2. Where development under a Planned Development Permit for residential development is permitted as provided for under Land Development Code Chapter 14, Article 3, Division 4 (Planned Development Permit Regulations) no more than eight dwelling units shall be permitted on any one acre. Parking under a "cluster" concept shall be provided at a ratio of two private spaces and one public or communal space per living unit.

3. Tract A, a portion of Pueblo Lot 1297, bounded generally by P.L. 1298 and the subdivisions of La Jolla Shores Terrace, La Jolla Coasta Dorada, and La Jolla Shores Heights, may be developed under a Planned Development Permit or as a standard subdivision.

4. Tract B, a portion of Pueblo Lots 1265, 1266, and 1267, bounded generally by Ardath Road, La Jolla Scenic Drive, Interstate 5 and the westerly prolongation of the northerly line of La Jolla Kirjah Park Subdivision may be developed under a Planned Development Permit or as a standard subdivision.

5. [No change in first paragraph.]

a. This tract may be developed as a Planned Development Permit or as a standard subdivision. Clustering the units is encouraged.

b. [No change.]

c. No development or grading shall occur in areas with a slope of

25 percent or greater and these slopes be placed in a permanent open space easement, except that minor encroachments less than .25 acre into such slopes may be permitted pursuant to a Planned Development Permit.

d. through i. [No change.]

6. through 9. [No change.]

C. through E. [No change.]

F. LANDSCAPE REGULATIONS

1. In the Single-Family Zone designated on that certain map referenced in Section 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials, and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

2. and 3. [No change.]

G. OFF-STREET PARKING

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

2. [No change.]

H. SIGN REGULATIONS

For the purposes of this section, the word "sign" is hereby defined to mean any painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. Except for one nameplate having a maximum of one square

foot for each dwelling unit, all signs shall be approved by the City Manager.

1. through 4. [No change.]

Section 9. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.2, to read as follows:

SEC. 103.0304.2 Multi-Family Zones -- Permitted Uses

[No change in first paragraph.]

1. through 7. [No change.]

A. through D. [No change.]

E. LANDSCAPING REGULATIONS

1. In the MF areas, designated on that certain map referenced in SEC. 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

2. and 3. [No change.]

F. OFF-STREET PARKING

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

2. [No change.]

G. SIGN REGULATIONS

For the purpose of this section, the word "sign" is hereby defined to mean any

painted or fabricated element including its structure which may consist of any letter, figure, character, or marks. A sign (supergraphics) may also include the entire wall of a building, freestanding walls, fences or other appurtenances upon which the graphics are painted or displayed. Except for one nameplate of one square foot for each dwelling unit, all signs shall be approved by the City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. through 7. [No change.]

Section 10. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.3, to read as follows:

SEC. 103.0304.3 Visitor Zone

[No change in first paragraph.]

1. through 5. [No change.]

A. through D. [No change.]

E. LANDSCAPE REGULATIONS

1. In the Visitor Zone, designated on that certain map referenced in SEC. 103.0301, all of the property not used or occupied by structures, unplanted recreational areas, walks and driveways, shall be landscaped which may include native materials and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

2. [No change.]

3. Landscaping and watering system as required by the City Manager shall be installed within six weeks following occupancy of the premises.

F. OFF-STREET PARKING REQUIREMENTS

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

2. [No change.]

G. SIGN REGULATIONS

[No change in first paragraph.]

All signs shall be approved by the City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. through 11. [No change.]

Section 11. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.4, to read as follows:

SEC. 103.0304.4 Commercial Center

[No change in first paragraph.]

1. through 4. [No change.]

A. and B. [No change.]

C. OFF-STREET PARKING REQUIREMENTS

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

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

2. [No change.]

D. SIGN REGULATIONS

[No change in first paragraph.]

All signs shall be approved by the City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. through 10. [No change.]

E. PARKING LOCATION

1. [No change.]

a. [No change.]

b. Said land is owned or controlled by the owner or owners of the use requiring the off-street parking. In this connection, when parking is to be provided off the premises from where the use is located, the owner or lessee of record of the parking site shall furnish satisfactory evidence to the City Manager that he owns or has a sufficient interest in such property to provide and maintain the minimum off-street parking facilities which are provided or maintained for only the structure or use under consideration.

Section 12. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.6, to read as follows:

SEC. 103.0304.6 Northwest YMCA

[No change in first paragraph.]

A. through C. [No change.]

D. LANDSCAPE REGULATIONS

1. All of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped which may include native materials, and in no case shall this landscaped area be less than twenty-five (25%) percent of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

2. and 3. [No change.]

E. OFF-STREET PARKING REQUIREMENTS

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

2. Parking lot access requirements are to be determined by the City Manager and the City Engineer.

F. SIGNS

All signs shall be approved by the City Manager. Size, height and means of support for each sign will be considered on an individual basis subject to the conditions noted below. Each sign shall be in scale with the building it identifies. The use of natural materials, especially wood, is encouraged.

1. and 2. [No change.]

Section 13. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0304.7, to read as follows:

SEC. 103.0304.7 Private Recreation Facility

[No change in first paragraph.]

1. and 2. [No change.]

A. through F. [No change.]

G. LANDSCAPE REGULATIONS

1. All of the property not used or occupied by structures, unplanted recreational areas, walks and driveways shall be landscaped and may include native materials, and in no case shall this landscaped area be less than thirty percent (30%) of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

2. and 3. [No change.]

H. OFF-STREET PARKING

1. Parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations). The required parking shall be located on the premises.

2. Where ambiguity exists in the application of these off-street parking requirements or where any use not specified is found to be a permitted use, the off-street parking requirements shall be consistent with that for similar uses in the La Jolla Shores Planned District.

Section 14. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0305, to read as follows:

SEC. 103.0305 Off-Street Parking Construction, Maintenance and Operation

Regulations

The following off-street parking construction, maintenance and operation regulations shall apply to all parking in the La Jolla Shores Planned District. Off-street parking shall be in substantial conformance with the Architectural Controls as specified within this division. Substantial conformance shall be determined by the City Manager.

A. through I. [No change.]

J. Dimensions

Parking spaces shall be designed in accordance with Land Development Code Section 142.0560 (Development and Design Requirements for Parking Facilities).

K. Access

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

2. Access to on-premises parking shall not be permitted from Avenida de la Playa to properties with frontage of 50 feet or less.

L. through O. [No change.]

P. Landscaping

A minimum of ten percent of the interior of parking lots containing more than 20 parking spaces shall be landscaped and provided with a permanent underground watering system. This requirement is in addition to planting used for screening as permitted above. Landscaping and required watering systems shall be installed prior to the use of the parking lot. All landscaping material shall be permanently maintained in a growing and healthy condition including trimming as appropriate. All landscaping and

irrigation shall be developed in conformance with the Landscape Guidelines of the Land Development Manual.

Section 15. That Chapter X, Article 3, Division 3, of the San Diego Municipal Code is amended by amending section 103.0306, to read as follows:

SEC. 103.0306 Special Regulations

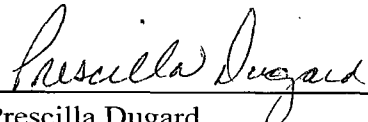
A. through C. [No change.]

D. Public utility systems and service facilities shall be located underground within the boundaries of a new development as provided for in Land Development Code Section 144.0240.

E. through H. [No change.]

Section 16. 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
Deputy City Attorney

PD:cdk
02/10/98
Or.Dept:Dev.Svcs.
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