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(B)
3/20/07

ORDINANCE NUMBER O- 19586 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 27 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15, BY ADDING ARTICLE 16, DIVISION 1 TITLED "GENERAL RULES," SECTIONS 1516.0101, 1516.0102, 1516.0103, 1516.0104, AND 1516.0105; DIVISION 2 TITLED "PERMITS AND PROCEDURES," SECTIONS 1516.0201, 1516.0202, 1516.0203, AND 1516.0204; DIVISION 3 TITLED "ZONING AND SUBDISTRICTS," SECTIONS 1516.0301, 1516.0302, AND 1516.0303; DIVISION 4 TITLED "GENERAL AND SUPPLEMENTAL REGULATIONS," SECTIONS 1516.0401, 1516.0402, 1516.0403, 1516.0404, AND 1516.0405, ALL PERTAINING TO THE OLD TOWN SAN DIEGO PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 2, is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 16, Division 1, Sections 1516.0101, 1516.0102, 1516.0103, 1516.0104, and 1516.0105 to read as follows:

Article 16: Old Town San Diego Planned District

Division 1: General Rules

§1516.0101 Purpose and Intent

- (a) The purpose of the Old Town San Diego Planned District is to replicate, retain and enhance the distinctive character of the Old Town San Diego historic area that existed prior to 1871. The intent is to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first European settlement.

Development of land in Old Town San Diego is controlled in this manner

in order to develop the unique village character and atmosphere of Old Town San Diego prior to 1871.

(b) Recognizing the physical and functional differences between areas in Old Town, 7 subareas within the Planned District have been devised. The purpose and intent of these subareas is as follows:

- (1) **Single-Family** - residential subarea to preserve existing single-family homes and low scale development adjacent to Presidio Park.
- (2) **Multi-Family** - residential subarea to allow low to medium density development at a small neighborhood scale, along the southeastern hillsides of the community, providing a link to the adjacent Mission Hills residential community. In order to preserve the hillside area, the development standards must prevail over total density for any one site.
- (3) **Public Properties** - are defined as all lands held in public/government agency ownership, within the Old Town San Diego Planned District. These lands are divided as follows:
 - (A) **State Historic Park** - State Park lands reserved to reflect the character of San Diego from its founding to 1871 by preserving, restoring, and recreating historic sites, structures and activities on the original site of the town.
 - (B) **Presidio Park Area** - City Park lands containing the earliest historic sites that precede the first larger development in

Old Town San Diego, and the Serra Museum, which houses many artifacts of early San Diego and the Southwest; also offers both active and passive recreation facilities for use by local as well as City-wide residents, is also located in the Presidio Park area.

(C) County Heritage Park - County Park lands maintained as a preserve for a Victoria Era mini-community in a park-like setting.

(D) Public Parking

(i) Public Parking A - located on Congress Street allows for continued and future use of the facility as a school (grades K-6) and for future redevelopment of a south-end parking area.

(ii) Public Parking B - located on Rosecrans Street allows for future development of a north-end parking area, public park for active sports, and a transit center with accessory retail.

(iii) Public Parking C - located on Taylor Street allows for future development of an expanded parking area, in conjunction with the State Historic park and a transit center with accessory retail.

(iv) Public Parking D - located on Juan Street allows for maintenance of a surface parking area.

- (4) **Core** - pedestrian commercial subarea intended to compliment the Historic Park with small scale buildings and wide range of pedestrian oriented commercial uses.
 - (5) **Jefferson** - mixed-use residential and commercial subarea intended to support the core with medium scale buildings and provide for residential development, while limiting specific commercial use and location.
 - (6) **Hortensia** - commercial visitor oriented subarea, which allows residential development of a medium scale identical to the Jefferson subarea.
 - (7) **Rosecrans** - commercial visitor oriented subarea, intended to allow medium to large scale buildings and large open space areas, designed to recreate the original river environment.
- (c) The Old Town San Diego Planned District Ordinance is in keeping with the objectives and proposals of the Old Town San Diego Community Plan and the City of San Diego Progress Guide and General Plan.

§1516.0102 Boundaries and Subareas

- (a) Boundaries

The Old Town San Diego Planned District is within the boundaries of the Old Town San Diego Community Plan Area as designated on that certain Map Drawing No. C-289.4; filed in the office of the City Clerk under Document No. 767691 and as amended on that certain Map Drawing No. C-289.5; filed in the office of the City Clerk Document No. OO-16906.

(b) Subareas Defined

There shall be seven subareas known as Single-family Residential, Multi-family Residential, Public Properties, Core, Jefferson, Hortensia and Rosecrans. The boundaries of the seven Subareas are delineated on that certain map Drawing No. 289.5 located in the office of the City Clerk as Document No. OO-16906.

§1516.0103 Old Town San Diego Planned District Design Review Board

(a) Appointments, Terms and Procedures

- (1) The Old Town San Diego Planned District Design Review Board (hereafter referred to as the Board) shall be created to provide advice as specified in Section 1516.0103(b). The Board shall be composed of 7 members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve four-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than 4 members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.
- (2) All members shall be electors of the County of San Diego at the time of appointment. Members of the Board shall be persons who

shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession able to judge the aesthetic effects of a proposed development. Three persons who are property owners in the Old Town San Diego Community Planning Area shall be appointed as members of the Board. At least one member of such Board shall be a registered architect in the State of California and at least two members shall be members of the Old Town Community Planning Committee. At least one member shall be a business licensee, and one member shall be a resident within the Old Town San Diego Community Planning area.

- (3) A Board member shall be replaced if the member has 3 un-excused consecutive absences.
- (4) Four members shall constitute a quorum for the transaction of business and a majority vote; and not less than 4 affirmative votes shall be necessary to make any Board decision. The Board may adopt rules of procedure to supplement those contained within this Planned District Ordinance.
- (5) The City Manager or designee shall serve as Secretary of the Board as an ex-officio member. The Secretary shall not be entitled to vote.

- (6) All officers of the City shall cooperate with the Board and render all reasonable assistance to it.
- (7) The Board shall render a report annually on December 1, or on request, to the Mayor and to the Old Town Community Planning Committee.

(b) Powers and Duties

- (1) It is the duty of the Board to provide advice on architectural design for development projects in compliance with the regulations and procedures contained within this Planned District Ordinance in the manner prescribed herein; to recommend to the Planning Commission any changes to the development regulations contained in this Planned District Ordinance, 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 Planned District Ordinance.
- (2) The Board may recommend that the City Manager approve, modify, or disapprove any application for a permit based upon its condition of compliance or noncompliance with the adopted regulations and approved standards and criteria.
- (3) Board members shall view the site before rendering a decision.

§1516.0104 Applicable Regulations

Unless otherwise specified in the Old Town San Diego Planned District Ordinance, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);
Chapter 12 (Land Development Reviews) except Article 6, Division 6 (Planned Development Permit Procedures);
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 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 3 (Supplemental Development Regulations) except Division 4 (Planned Development Permit 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 the Old Town San Diego Planned District Ordinance, the Planned District Ordinance applies.

§1516.0105 Definitions

As used in this Planned District Ordinance, “Standards and Criteria” means the Old San Diego Architectural and Site Development Standards adopted by the City Council on file in the office of the City Clerk as Document No. 742763

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 16, Division 2, Sections 1516.0201, 1516.0202, 1516.0203, and 1516.0204 to read as follows:

Article 16: Old Town San Diego Planned District

Division 2: Permits and Procedures

§1516.0201 Administrative Regulations

The Administrative regulations as specified in this section apply in the Old Town San Diego Planned District.

- (a) Any permit or license issued or any work within the Old Town San Diego Planned District, including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure, or relocation of any structure into the Planned District, regardless of whether it requires a permit, may be reviewed by the City Manager and the Old Town San Diego Planned District Design Review Board.
- (b) Article 16, Division 2 (Old Town Planned District Permits and Procedures) does not supersede, change or amend, nor in any way alter the manner, method or requirements of the review procedures for any historical site designated by the Historical Resources Board.

§1516.0202 Project Review Administration

(a) Application

Application for a Planned District Permit shall be made in accordance with Land Development Code Section 112.0102, prior to commencement of any work in the erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District. The application shall include the following:

- (1) A deposit as indicated on the current fee schedule maintained in the office of the City Clerk shall be paid when application is made for any Planned District Permit.
- (2) All submittals shall illustrate the following:
 - (A) The purpose for which the proposed building, structure or improvement is intended to be used;
 - (B) Site plans, floor plans, elevations and sections including datum points indicating grade and measurements of dwelling unit density, number of bedrooms (floor plan), lot area, lot coverage, floor area ratio, setbacks, height (elevations), off-street parking and landscaping;
 - (C) Site Plans, floor plans, elevations and sections including datum points and measurements, photos and samples, for the building and improvements which show the exterior

appearance, color and texture of materials, and architectural design of all exterior features, and the relationship to adjacent structures;

- (D) Site plans, elevations and sections, including datum points and measurements for any outbuilding, party walls, courtyards, fences, setbacks, signs, lighting, traffic safety, or other dependency thereof; and
- (E) Any other information deemed necessary by the City Manager or Board to evaluate the project for compliance with the regulations contained herein and other applicable laws and regulations.

(b) Decision Process

- (1) An application for a planned district permit for signs, re-roofing; repainting of exterior surfaces and any addition to or alteration of any structure which is minor in scope may be approved or denied, in accordance with Process One, by the City Manager without being referred to the Board for recommendation. Notwithstanding the foregoing provision, the City Manager may in his discretion refer such application to the Board for their recommendation prior to taking action on the application. (Minor in scope shall constitute an addition or alteration of 20 percent or less and conforms to all applicable regulations.)

- (2) Other than provided by Section ~~1516.0202(b)(1)~~, an application for a Planned District Permit shall first be referred to the Board for their review and recommendation. The application may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three, after receiving the Board's recommendation or comments. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.
 - (3) Within 60 calendar days after the submission of a complete Building Permit application for development of a site for which a Planned District Permit has been issued which shall include completed environmental review, the City Manager shall issue a decision in writing, except when the applicant requests and receives approval from the City Manager or an extension of time.
 - (4) Issuance. A Building Permit may be issued after the City Manager's approval. The City Manager shall conduct a site inspection before issuance of the certificate of occupancy or the final inspection.
- (c) Permit Time Limits
- (1) No building permits shall be issued for any projects for which a building permit is not on file within 180 days from the effective date of Ordinance No. O-16906 N.S., for projects which received an approval from the Old Town San Diego Planned District

Review Board, or City Council on appeal prior to the effective date of Ordinance No. O-16906 N.S.

Written notice of the content of this provision shall be given within 60 days of the effective date of Ordinance No. O-16906 N.S. to all permittees to which this provision applies.

- (2) A valid Planned District Permit shall expire and become void 36 months after the “Date of Final Action of the Permit”, if the permit is not utilized in the manner set forth in Land Development Code Section 126.0108 and Section 126.0109.
- (3) The expiration date of a valid Planned District Permit may be extended in the manner provided within Land Development Code Section 126.0111. To initiate the request for an extension of time, the property owner or owners shall file a written request in accordance with Land Development Code Section 126.0111. The extension of time may be granted if both of the following requirements are met:
 - (A) The applicant submits documentation showing that due to unusual economic hardship or processing delays beyond his/her control, necessary permits could not be obtained, therefore, the permit option could not be exercised in a timely fashion; and

(B) Development and community conditions have not changed, so that the prior approval is still consistent with now existing conditions.

(4) The City Manager shall notify the Board and the Old Town Community Planning Committee of any extension of time requests. Any request that may be affected by changed conditions shall be brought to the attention of the Board for recommendation.

§1516.0203 Special Permits

The following types of permits are unique in their complexity and therefore require special review by the City Manager and the Board. The 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 Planning Commission in accordance with Land Development Code Section 112.0506.

(a) Public Facilities, Structures and Areas

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of the Old Town Planned District Ordinance which is designed to recreate the history of the character of Old Town San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein, and shall be reviewed by the Board for their recommendation.

(b) Historic and Architecturally Significant Structures

The provisions contained herein are intended to permit and encourage in Old Town San Diego the preservation and restoration of buildings, structures and sites having historic, archaeological, or architectural value for the benefit of the people of San Diego, the State of California and all those interested in the record of the progress of western civilization. Such structures shall be designated historical resources in the City of San Diego.

(1) Relocation of Historic Buildings

Designated historical structures of the City of San Diego may be relocated into the Old Town San Diego area. Upon receipt of an application for permit to relocate such a building, the City Manager shall refer the application to the Historical Resources Board for review as provided in Section 1516.0202. Any building approved for relocation into the District by the Historical Resources Board shall be referred to the Board for review.

(2) Exceptions

(A) The Hearing Officer may grant an exception to any development regulation within this Planned District Ordinance including permitted uses, and parking regulations only when such exception is necessary to permit the preservation or restoration of a designated historic or architecturally significant building, structure or site. Such exception is subject to the following conditions:

- (i) The subject building, structure or site must be a designated historical resource.
 - (ii) The proposed exception shall be referred to the Historical Resources Board for a report and recommendation.
- (B) In approving or conditionally approving an exception, the Hearing Officer shall find that the exception is necessary to permit the preservation or restoration of a designated historical resource; that strict application of the provisions contained within this Planned District Ordinance would result in economic or other practical difficulties in securing the preservation or restoration of a designated historical resource; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and, the Historical Resources Board and the Old Town San Diego Design Review Board have made consistent recommendations for granting the exception.
- (C) In approving or conditionally approving any exception the Hearing Officer shall make a written finding specifying facts relied upon in rendering its decision. A copy of this written finding, together with all evidence presented, including plans required elsewhere in this Planned District Ordinance shall be filed in the Office of the City Clerk.

(3) Historical Resources Board Review

Any application to remodel, restore, alter or move a designated historical resource shall first be referred to the Historical Resources Board for review pursuant to Land Development Code Section 143.0250.

(4) Removal of Damaged Historic Structures

If any designated historical resource shall be damaged by earthquake, fire or act of God, and a permit for demolition or removal of the property is applied for, the permit shall be referred to the Historical Resources Board pursuant to Land Development Code Section 143.0250 unless an emergency condition exists in which a specified action must be taken based on factual circumstances.

(c) Archaeological and Historical Site Review, Designation, and Preservation

(1) Archaeological review by an archaeologist certified by the Society of Professional Archaeologists or equivalent acceptable to the City Manager is required for any project which disturbs the ground.

(2) For any site that is identified as having archaeological or recorded evidence of a preexisting historical structure, settlement or event, application shall be made to the Historical Resources Board for designation and to the Board for determination on an acceptable manner of commemorating the historical value of the site. This

might include a reconstruction if adequate plans remain, a partial reconstruction or monument.

(3) A special permit shall be required for those projects where an archaeological site has been identified. Efforts should be made to preserve the site for public view; this preservation (total or partial) shall be a part of the special permit proposal.

(4) The Historical Resources Board shall review the application and provide information to the Hearing Officer on the site's historical or archaeological significance and methods to preserve or commemorate the site. The exemptions for historic buildings shall be also applicable, where appropriate, to these projects.

(d) Conditional Use Permits, Variances and Other Permits

Any use allowable under a Conditional Use Permit as provided in Section 151.0401 shall be subject to a special permit. The development standards shall be those specified in this Planned District Ordinance, the "Standards and Criteria," and the regulations in Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

(e) Sidewalk Cafes and Pushcarts

A special permit is required for these activities in accordance with Section 151.0401 and the provisions of this Planned District Ordinance.

(f) Public Parking Subareas

A special permit shall be required for any project within the public parking subarea in order to assure consistency with the intent of the neighboring

subareas, the overall goals of the District and consistency with the Community Plan. For a public parking facility, the permit should be consistent with the following guidelines:

- (1) The maximum building coverage should not exceed 80 percent.
- (2) A minimum number of 1000 parking spaces should be provided.
- (3) The maximum height of building should not exceed 26 feet.
- (4) Landscaping
 - (A) 15-foot fully landscaped street yards should be provided.
 - (B) Interior landscaping: 10 percent of the structure should be landscaped and open to the sky. Landscaped areas should be generally located in the center of the structure adjacent to auto and pedestrian access, to provide visual and environmental relief.
 - (C) Rooftop landscaping: The rooftop perimeter should be lined with a 2-foot minimum wide landscaped strip.

(5) Supportive Uses

The special permit shall assure that only the following uses be permitted on the public property sites identified (as identified on Map C-289.5).

- (A) PARCEL A/School Use (Congress/Ampudia):
School (K-9), and playground activities are permitted uses.
Location of school/playground uses either as primary or incidental shall be required on this site. These may be

located on grade or on top of the parking structure. If

located on grade, school buildings should be located on the high elevation of the site. Any new school building facility shall be designed to replicate historical public structures of the pre-1871 period.

(B) PARCEL B/Transit Use (Congress/Taylor):

A transit center, with related transit support retail and offices may be permitted, provided that these support retail and office uses shall not exceed an area of 10 percent of the site, nor shall any one establishment exceed 700 square feet.

The building setback shall be a minimum of 50 feet from Taylor Street property line, of this, a 30-foot landscaped strip adjacent to the property line shall be maintained along Taylor Street.

(C) PARCEL C/Transit Use (Rosecrans/Gaines):

Sports fields and playgrounds are encouraged to develop adjacent to or on the roof of parking structures, to replace facilities in other areas of the Old Town San Diego Community Plan.

A transit center, with related transit support retail and offices may be permitted, provided that these support retail and office uses shall not exceed an area of 10 percent of the

site, nor shall any one establishment exceed 700 square feet.

(D) PARCEL D/Parking (Juan/Harney):

Surface parking shall be maintained consistent with the standards for surface parking lots incorporated in this Planned District Ordinance.

§1516.0204 Previously Conforming Uses

The determination and regulation of previously conforming uses within the District shall be consistent with Land Development Code, Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses).

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 16, Division 3, Sections 1516.0301, 1516.0302, and 1516.0303 to read as follows:

Article 16: Old Town San Diego Planned District

Division 3: Zoning and Subdistricts

§1516.0301 Permitted Uses

It is the purpose of this section to specify certain groupings of uses to be encouraged or emphasized based on each subareas physical, historical, and functional conditions.

- (a) In the following subareas, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

- (1) Single Family. One single-family residence for each lot at a density of one dwelling unit per 5,000 square feet, provided there is no more than one dwelling unit per lot.
- (2) Multi-family. Dwelling units at a density of one dwelling unit per 1,750 square feet of net lot area.
- (3) Core.
 - (A) The following uses are permitted provided the ground floor area of any one establishment does not exceed 6,000 square feet:
 - (i) Antique shops
 - (ii) Art stores, art galleries and incidental art studios
 - (iii) Barber and beauty shops
 - (iv) Banks (drive-in or drive-thru prohibited)
 - (v) Bicycle shops with incidental repair permitted
 - (vi) Confectionary and bake shops
 - (vii) Clothing stores, dress shops and haberdasheries
 - (viii) Custom shops for curtains, draperies, floor covering and upholstery
 - (ix) Drug stores
 - (x) Dry cleaning and laundry services
 - (xi) Florists (incidental outdoor display permitted)
 - (xii) Food market (incidental outdoor display permitted)
 - (xiii) General and variety stores and gift shops

- (xiv) Handicraft shops, including woodcraft, leathercraft and metalcraft
- (xv) Hardware stores
- (xvi) Home furnishing shops and interior design studios
- (xvii) Import shops
- (xviii) Jewelry stores
- (xix) Liquor stores
- (xx) Locksmith
- (xxi) Museums
- (xxii) Music stores
- (xxiii) Pet shops
- (xxiv) Photographic studios and shops and picture frame shops
- (xxv) Restaurants, sidewalk cafes, bars, coffee houses, ice cream parlors and snack bars (incidental outdoor seating and live entertainment are permitted, drive-in or drive-through establishments are prohibited)
- (xxvi) Shoe sales and repair shops
- (xxvii) Sporting good stores
- (xxviii) Stationers book stores (excluding adult book stores), newspaper and magazine shops
- (xxix) Tailors and dressmakers

(xxx) Theaters -- (excluding adult entertainment)

(xxxi) Tobacco shops

(xxxii) Travel agencies, ticket agencies, and telegraph
offices

(xxxiii) Wineries

(B) The following uses are permitted provided that they do not
occupy ground floor frontage and are located above or
behind a permitted use designated in Section 1516.0301(c).

(i) Dwelling units at a density of 1 unit per 1,750
square feet of net lot area

(ii) Boarding and lodging houses provided that there are
not more than two lodgers per dwelling unit

(iii) Offices, provided each establishment does not
exceed 2,000 square feet in size

(iv) Art, drama, music, dancing and language schools

(4) Jefferson

(A) Any use permitted in the "Core", provided however, that
any commercial or office use may only be located on the
ground floor.

(B) No commercial and office permitted use shall begin
operating business prior to 6:00 a.m. nor continue later than
midnight of any day.

(C) Dwelling units at a density of unit per 1,750 square feet of net lot area.

(5) Hortensia

(A) Hotels and motels, provided they do not exceed a density of 80 guest rooms per net acre.

(B) Offices, provided each use establishment does not exceed 4,000 square feet in size.

(C) Business services customarily catering to hotel and motel guest and office users, provided such accessory uses shall be located in the same complex as the hotel or motel or office and provided the combined gross floor area of all accessory uses shall not exceed 25 percent of the gross floor area of all uses on the premises. These accessory uses may include sales of newspapers and magazines, barber and beauty shops, florists and gift shops, agencies for laundering and dry cleaning, travel and car rental agencies and ticket sales.

(D) Restaurants (accessory bar and incidental entertainment and dancing permitted).

(E) Theaters (excluding adult entertainment).

(F) Cultural centers (including museums and libraries).

(G) Meeting halls.

(H) Dwelling units at a density of one unit per 1,750 square feet of net lot area.

(6) Rosecrans

(A) Any use permitted in the "Core" provided that the ground floor of any one establishment does not exceed 6,000 square feet.

(B) Any use permitted in the "Hortensia" zone.

(7) Classification of Use

Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this Section, and consistent with the purpose and intent of the Old Town San Diego Planned District, is permitted. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.

(b) Uses Not Permitted

The following types of uses are not considered compatible with the development goals of Old Town San Diego and are therefore not permitted:

- (1) Auto parts stores
- (2) Auto repair garages
- (3) Auto sales, new or used
- (4) Auto service stations
- (5) Auto or trailer parks

- (6) Boat sales
- (7) Contractors yards
- (8) Drive in or through facilities
- (9) Factories
- (10) Hospitals
- (11) Printing plants
- (12) Lumber yards
- (13) Machine shops
- (14) Mortuaries
- (15) Warehouses and wholesale distributors

§1516.0302 Property Development Regulations

- (a) Lot Area
 - (1) No building or portion thereof shall be erected, constructed, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 3,000 square feet. An exception shall be for any lot which qualifies under the definition of a lot as set forth in the Land Development Code Section 113.0103 and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and other regulated by the provisions of this Planned District Ordinance.
 - (2) The maximum lot area permitted shall be 5,000 square feet. The only subarea excepted from this regulation shall be the Rosecrans subarea.

(b) Floor Area Ratio (FAR) and Lot Coverage

The maximum FAR and lot coverage shall be as indicated in Table 1516-03A.

Table 1516-03A
FAR and Lot Coverage

Subarea	FAR	Coverage
Single Family	60.0	--
Multi-family, Hortensia, Jefferson, Core	.60	60%
Rosecrans ⁽¹⁾	1.00	60%

Footnote for Table 1516-03A

Enclosed parking may be excluded from the calculation of FAR and coverage in the Rosecrans Subarea.

(c) Maximum Building Size

Except within the Rosecrans Subarea, no single structure, above preexisting natural grade, shall exceed the sizes as indicated in Table 1516-03B.

Table 1516-03B
Maximum Building Size

No. of Stories	Maximum Size
One	6,000 square feet
Two	8,000 square feet
Three	10,000 square feet

(d) Separation Between Buildings

A minimum separation of 6 feet shall be required between the development's exterior building walls, when separate buildings are

proposed for any one project. If both buildings are greater than one-story an additional 3-foot separation shall be required.

(e) Maximum Height

The maximum height of any building or structure shall be as indicated in Table 1516-03C below, except that within 150 feet of Taylor Street, building height shall be limited to 24 feet.

**Table 1516-03C
Maximum Height**

Subarea	Maximum Height (ft)
Single-Family, Multiple-Family	30
Rosecrans	45 ⁽¹⁾
Jefferson, Hortensia	30 ⁽¹⁾⁽²⁾
Core	24 ⁽¹⁾

Footnotes for Table 1516-03C

¹ An additional 6 feet in height is permitted for uninhabitable space necessary for a pitched roof, towers, or other architectural appurtenances, provided however, that the additional area of height does not exceed 10 percent of the total building footprint, measured in plan view.

² No more than 25 percent of the site area, measured in plan view, may be covered by building which exceeds 26 feet in height.

(f) Yard and Setbacks

(1) The minimum yard and setback requirements shall be as indicated in Table 1516-03D.

(2) Street Wall Continuity: Along the minimum setback, paralleling the public right-of-way, 65 percent of this area shall be building wall.

**Table 1516-03D
Yards and Setbacks**

Subarea	Street ^(1,2)		Side Yard ⁽³⁾⁽⁴⁾ (ft)	Rear Yard ⁽⁴⁾ (ft)
	Front (ft)	Yard (ft)		
Single-Family	15	10	4	4
Multi-Family	5	15	1-story 2-story 3-story 15	1-story 2-story 3-story 15
Rosecrans	15	20	1-story 2-story 3-story 15	1-story 2-story 3-story 15
Jefferson, Hortensia	10	0	1-story 2-story 3-story	1-story 2-story 3-story
Core	0	0	1-story 2-story 3-story 15	1-story 2-story 3-story 15

Footnotes for Table 1516-03D

- ¹ Street Yard Defined: The street yard is that area of a lot which lies between the property line abutting a dedicated public street and the street wall line. The street wall line is drawn along the first building wall that parallels the street frontage. The street yard area is calculated by multiplying the street frontage times the linear foot requirement specified herein (see Figure 1).
- ² Additional Corridor Front Yard: From property lines which abut the following streets the following front yard requirement shall prevail:
 Taylor - 30 feet.
 Juan (between Taylor and Witherby) - 15 feet.
 Congress (between the railroad tracks and Old Town Avenue) - 10 feet
 Old Town Avenue (between San Diego Avenue and I-5) - 15 feet.
- ³ Side Yard Exemption: For properties 50 feet or less in width the side yard requirement shall be: 1-story -- 3 feet, 2-story -- 6 feet, 3-story - 9 feet.
- ⁴ Parking: In the side and rear yards, parking shall be permitted provided a five-foot-wide landscaped area separation is provided between the property line and the parking area.

(h) Hillsides/bluffs

No building shall be located on an existing grade 30 percent or greater.

Hillsides 30 percent or greater in slope shall not be disturbed by

No building shall be located on an existing grade 30 percent or greater. Hillside 30 percent or greater in slope shall not be disturbed by construction nor obstructed by building, within 15 feet of the toe of the slope, of more than 20 feet in height (as shown in Figure 2). Development on slopes between 25 and 30 percent may be permitted consistent with Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

§1516.0303 Specific Architectural Controls

In addition to the other regulations contained in the Old Town Planned District, the following specific architectural control regulations shall apply in order to insure the development of the distinctive character and atmosphere of Old Town San Diego prior to 1871.

(a) Architectural Styles/Historic Period

- (1) The accepted architectural styles and historic periods, as specified in the "Standards and Criteria," are pre-1871 Spanish, Mexican and American. Spanish style uses adobe materials and structure with tiled roofs. Mexican style uses adobe bearing walls with tile roofs and shingle roof coverings. American style is wood structure throughout. All new development shall conform to the requirements, as illustrated "Standards and Criteria" of these styles.
- (2) Eclectic designs borrowing from different styles are not acceptable, unless a clear historical precedent in Old Town San Diego can be documented.

(b) Forms, Materials, Textures and Colors

(1) To assure that each structure in the Planned District shall reflect the appearance of structures built or remodeled during the historic period, forms, materials, textures and colors of structures shall be in general accord with the appearance of structures built in Old Town San Diego prior to 1871. To this end, they shall be in general accord with the designs prevailing during the recognized Old Town San Diego historical periods as described in the "Standards and Criteria."

(2) Any change to a structures form, material, texture or color shall be reviewed by the City Manager and/or the Board.

(c) Courtyards

On any lot with a street frontage greater than 75 linear feet, a courtyard with a minimum dimension of 20 feet shall be required. Said courtyard may be located in the center of the project and/or between two or more buildings. Entrances to the courtyard from the public right-of-way shall not be less than 10 feet in width and 20 feet in height or open to the sky.

(d) Fences and Walls

(1) Design. Fences, as defined in Land Development Code Section 113.0103, shall be designed in accordance with the "Standards and Criteria" and must be reviewed by the City Manager. Fence materials shall be wood, adobe, masonry, or forged iron.

(2) Residential Buffer. A six-foot fence shall be required on any property line abutting a residential property, with the exception of the front and street yards.

(e) Transparency

A minimum percentage (20 percent for residential projects, 40 percent for commercial) of any building wall abutting a dedicated public street, shall be transparent, either by open archways and/or windows of a light transmittance no less than 40 percent.

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 16, Division 4, Sections 1516.0401, 1516.0402, 1516.0403, 1516.0404, and 1516.0405 to read as follows:

Article 16: Old Town San Diego Planned District

Division 4: General and Supplemental Regulations

§1516.0401 Landscaping

(a) Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) shall apply with the following exception:

(1) 100 percent of the street yard shall be required to be landscaped with the exception of approved areas for vehicular ingress and egress.

(2) Rosecrans Zone - 40 percent of the property shall be landscaped. Vegetation should include riparian species as specified in the "Standards and Criteria."

- (b) Parking: All surface parking areas, both the perimeter and the interior, shall be landscaped consistent with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (c) Hillsides/Bluffs: All bluffs, defined as areas of 30 percent and greater slope, shall be revegetated with native vegetation. All 25 percent hillsides shall be revegetated. A 10-foot-wide fire break area shall be provided adjacent to any structure with fire resistant native vegetation. Said fire break area shall not encroach on the bluffs as defined.
- (d) The plant materials shall be as specified in the "Standards and Criteria."
- (e) City Manager approval must be obtained for removal of all trees over 50 feet tall and/or over 50 years old.
- (f) Street Trees
 - (1) Existing street trees shall be preserved to maintain the established design character of existing streets. New street trees shall match the species of existing trees, and be taken from the list of historical tree species included in the "Standards and Criteria."
 - (2) Trees shall be planted in the ground, the minimum size of trees at planting shall be 24 inch box or greater. Spacing between trees shall be no greater than 30 feet.

§1516.0402 Parking

Off-street parking spaces and facilities required in any area shall be provided before the use requiring such parking facilities commences to operate and shall be maintained in good condition so long as the use for which it is provided exists.

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

(a) Parking Requirement Exemptions

- (1) San Diego Avenue. Any property which has frontage on San Diego Avenue and does not have secondary street access and shall not provide parking on-site.
- (2) Small Lots. Lots of 6,250 square feet or less shall be exempt from any parking requirements.

(b) Existing Parking

Notwithstanding any other provisions of this Planned District Ordinance, existing off-street parking facilities in any area which were provided on the same premises and maintained before the adoption of this ordinance and which serve a use now requiring off-street parking shall not be reduced in number, dimension or any other manner below the requirements of the use.

(c) Rehabilitation and Additions

Whenever an existing building is rehabilitated or enlarged, there shall be provided concurrently with such enlargement a minimum of twice the number of parking spaces as would be necessitated by the magnitude of said enlargement, provided, however, the total of the existing parking spaces and those required by this paragraph need not exceed the number of parking spaces required for the enlarged development computed at the rate required by Land Development Code Chapter 14, Article 2, Division 5

(Parking Regulations). Tandem parking spaces may be permitted to satisfy this requirement.

(d) Access

All required parking facilities shall have convenient access to a public street or alley. Driveways shall be perpendicular to the street and shall not exceed a width of 12 feet for projects with less than six residential units or 16 feet, for all other projects, to be measured at the property line and there shall be no less than 75 feet of lot frontage, measured at the property line, between driveways serving the same premises.

(e) Parking Improvement Area or In-lieu Fees

(1) If a parking improvement area is formed in accordance with Municipal Code Chapter 6, Article 1, Division 18, the number of off-street parking spaces required for properties within the parking and business improvement area shall decrease commensurate with the project's participation in the improvement program.

(2) In-lieu fees for the provision of parking may be levied at a future date, in conjunction with a Parking Improvement Program assessment. The incorporation of this program will be subject to the future approval by the City Council. The option of using this in-lieu fee program shall not be available until the program's details are approved by the City Council in conjunction with the establishment of a parking improvement program.

§1516.0403 Signs

(a) Standards and Criteria

The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs, public and private, in the Old San Diego Planned District shall be subject to the "Standards and Criteria." The purpose being that signs are to be clearly subordinate to the building design.

(b) Sizes

(1) Identification Signs

(A) Signs are permitted on the faces of each business

establishment provided that no such sign shall project above the nearest parapet or eave of the building and signs parallel to the face of a building shall not project more than 12 inches from the building to which the signs are attached.

(B) One identification sign shall be permitted on the front or primary face of a business establishment. Said sign shall not exceed one square foot for each linear foot of frontage or 24 square feet, whichever is smaller, provided that said sign need not be less than 10 square feet in area.

(C) One identification sign on the side or rear wall of an establishment shall not exceed 16 square feet or one-half-square-foot for each linear foot of street or dedicated walkway frontage along those walls, whichever

is smaller, provided that said sign need not be less than 8 square feet in area.

- (D) One perpendicular (30 degrees or greater) projecting and/or hanging trade identification sign not to exceed 6 square feet per side shall be permitted on the front or primary face of each establishment provided however that the sign face is, either designed as a graphic representation of the goods or services provided at the particular establishment, e.g. a boot to advertise a shoe repair shop, or designed to include a graphic presentation on the sign.
- (E) No free standing or roof top identifications signs shall be permitted with the following exceptions:
 - (i) For establishments located within arcade, court, office building or similar structure not fronting on the public right-of-way, a single free standing sign at the entrance to said court or arcade to identify the establishments within.
 - (ii) Maximum height of such signs shall not exceed 4 feet above average adjacent natural grade.
 - (iii) Maximum size for identification of each individual establishment shall not exceed 2.0 square feet for office and 3 square feet for retail.

(F) In lieu of a primary identification sign, 1 freestanding or hanging perpendicular sign, not to exceed 6 feet in height, with a total surface area on both sides not exceeding one-half the area of the permitted primary identification sign, shall be permitted. Only 1 such sign shall be permitted per establishment.

(2) Directional Signs

(A) Directional signs are permitted on the faces of buildings or structures provided that such signs shall not be placed higher than 8 feet above the immediately adjacent natural ground level or above the eave line whichever is the lesser.

(B) Directional signs are permitted to locate on a separate freestanding ground structure provided that the structure and/or sign affixed to same does not exceed 6 feet in height above natural grade.

(C) Maximum size for any directional sign shall be that which is necessary to convey the necessary information, not to exceed a maximum of 4 square feet.

(D) Total number of signs to be used for this purpose shall not exceed 4 per establishment.

(E) Residence and establishment name signs, occupant's name plates and address numbers are those signs which, by their nature and working, or lettering identify and locate either

the house, establishment, or its occupant, or both. Such signs may include pictorial and decorative designs as well as words and numbers, and may be in any shape or form, but shall not exceed 2 square-feet in area.

(3) Historical Signs

All request for signs not conforming to these regulations, shall be accompanied by documentary evidence that signs of such size and advertising such business were in use prior to 1871. Signs must conform in size, shape and design, material, coloring, lighting and location to the pre-1871 period. Documentary evidence must be approved by the City of San Diego Historical Resources Board.

(4) Sign Program

On those properties which have street frontage exceeding 150 linear feet, a comprehensive sign program shall be submitted by the property owner in accordance with Land Development Code Chapter 11, Article 2, (Required Steps in Processing).

Comprehensive Sign programs may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three, after receiving comments and recommendations from the Board. The Hearing Officer's decision may be appealed in accordance with Land Development Code Section 112.0506. Size, design and location shall be considered to assure compatibility with the size and location of the development structures and

establishments. In no case shall any one establishment be denied an identification sign of the minimum sizes identified in Section 1516.0403(b), however, larger signs may be permitted if they are in accord with the purpose and intent of this District and the "Standards and Criteria."

(c) Previously Conforming Signs

By January 1, 1989, all signs in the Old Town San Diego Planned District which do not conform to said approved regulations, standards and criteria shall be altered to comply or shall be removed. This provision shall also apply to any changes or additions to the sign regulations of the District.

(d) Extension of Time

The owner of any sign may apply to the Director for an extension of time in accordance with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures).

§1516.0404 Streetscape/Encroachment Permits

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations pertaining to the development and use of the abutting public right-of-way. All development within the public right-of-way shall be consistent with the "Standards and Criteria."

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the City Manager. Final approval for encroachment permits

shall be by the City Engineer based on the City Manager finding of consistency with this Planned District.

(a) Driveways and Curb Cuts

- (1) Access requirements shall be consistent with Section 1516.0402(d) (Access).
- (2) Existing driveways and curb cuts may be maintained except that such driveways shall be limited to one per lot. The applicant shall be required to remove the other driveways and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.
- (3) Driveway entrances across the sidewalk right-of-way shall continue the paving pattern utilized in the adjacent sidewalk areas.
- (4) No building encroachments into the public right-of-way shall be permitted including underground parking garages.

(b) Sidewalks

(1) Minimum Width

All existing and new sidewalks shall maintain or expand their present width and shall also maintain standard sidewalk elevation in relation to curb for the entire distance between the curb and property line. Specific information on alternative sidewalk widths are indicated in the "Standards and Criteria."

(2) Clear Path

A minimum clear path (free of obstructions) of 8 feet in width in the core, and 6 feet in width in other commercial subareas shall be

maintained at all points within the sidewalk right-of-way. Other clear path widths shall be maintained as indicated in the "Standards and Criteria." The clear path may be linear, angled or curved provided that the configuration will not impede handicapped access. A clear path of greater than 8 feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety.

(3) Surface Treatment

(A) All sidewalks improvements shall be done in Sombrero Buff colored concrete, clay, tile, or brick.

(B) Parking materials shall provide an even slip resistant surface at least equal to the city standard broom sweep sidewalk. All grout shall be placed flush with the top of the pavers.

(C) Pavement patterns at indicated areas shall be consistent with the guidelines included in the "Standards and Criteria."

(c) Street Furniture

Light standards, benches, and awnings and canopies shall be consistent with the "Standards and Criteria."

(d) Maintenance and Repairs

(1) All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those

improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

- (2) All public improvement utility and repairs and maintenance, undertaken in a sidewalk area shall match existing material and color standards.

- (e) In-lieu Fees

An in-lieu fee program for sidewalk improvement may be incorporated into this Planned District Ordinance at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for streetscape.

§1516.0405 Special Regulations

- (a) Outdoor Storage

Storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises and shall be completely enclosed with an approved building that consists of walls and a roof. No outdoor storage shall be permitted unless otherwise specified in this Planned District Ordinance.

- (b) Mechanical Equipment

All mechanical equipment such as air conditioning or heating units and meters shall be completely enclosed within a structure so as not to be

visible. All manner of enclosure shall be consistent with the design standards as set forth in the "Standards and Criteria."

(c) Antennas

Only one exterior receiving antenna per building will be permitted. Any satellite antenna as described in Land Development Code Section 141.0405 shall be screened from view and shall be reviewed by the Board and approved by the Director. All manners of screening shall be consistent with the design standards as set forth in the "Standards and Criteria."

(d) Lighting

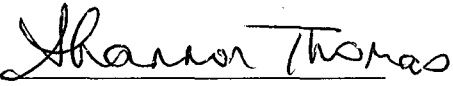
All outdoor lighting shall be screened and directed so as not to fall on adjacent properties. All forms of lighting standards shall be consistent with the architectural styles specified in the "Standards and Criteria."

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
12/27/06
Or.Dept:DSD
O-2007-68
MMS#3859

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 20 2007.

ELIZABETH S. MALAND
City Clerk

By Jara Richardi
Deputy City Clerk

Approved: 3-27-07
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor