ORDINANCE NUMBER O-19587 (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 3, OF THE SAN DIEGO MUNICIPAL CODE, AND AMENDING CHAPTER 15, ARTICLE 10, DIVISION 1 TITLED "GENERAL RULES," SECTIONS 1510.0101, 1510.0102, 1510.0103, 1510.0104, 1510.0105, 1510.0106, 1510.0107, AND 1510.0108; DIVISION 2 TITLED "PERMITS AND PROCEDURES," SECTIONS 1510.0201, AND 1510.0202; DIVISION 3 TITLED "ZONES," SECTIONS 1510.0301, 1510.0302, 1510.0303, 1510.0304, 1510.0305, 1510.0306, 1510.0307, 1510.0308, 1510.0309, 1510.0310, 1510.0311, 1510.0313, AND 1510.0314; DIVISION 4 TITLED "GENERAL AND SUPPLEMENTAL REGULATIONS," SECTIONS 1510.0401, 1510.0402, AND 1510.0403, ALL RELATING TO THE LA JOLLA SHORES PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 3, is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 10, Division 1, Sections 1510.0101, 1510.0102, 1510.0103, 1510.0104, 1510.0105, 1510.0106, 1510.0107 and 1510.0108, to read as follows:

Article 10: La Jolla Shores Planned District

Division 1: General Rules

§1510.0101 Purpose and Intent

(a) The public health, safety, and welfare require that property in La Jolla Shores shall be protected from impairment in value and that the distinctive residential character and the open seascape orientation of the La Jolla Shores Area shall be retained and enhanced.

(b) The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan.

§1510.0102 Boundaries

The regulations as defined herein shall apply in the La Jolla Shores Planned District which is within the boundaries of the La Jolla Shores Area in the City of San Diego, California, designated on that certain Map Drawing. No. C-403.4 and described in the appended boundary description, filed in the office of the City Clerk under Document No. OO-16006.

§1510.0103 Administrative Regulations

The administrative regulations as defined herein shall apply in the La Jolla Shores Planned District.

§1510.0104 Administration of the La Jolla Shores Planned District

(a) The City Manager shall administer the La Jolla Shores Planned District Ordinance.

(b) Powers and Duties

It is the duty of the City Manager to administer and ensure compliance with the regulations and procedures contained within the La Jolla Shores

Planned District 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 the La Jolla Shores Planned District Ordinance.

§1510.0105 La Jolla Shores Planned District Advisory Board

(a) La Jolla Shores Planned District Advisory Board Created

(1) There is hereby created a La Jolla Shores Planned District Advisory Board which shall be composed of seven members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve two-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 four members shall expire in any one year. The expiration date shall be April 1. During April of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after May 15, select a Chairman from among its members.

(2) At the time of appointment and during incumbency five of the seven-member board shall be resident property owners of the La Jolla Shores Planned District. The sixth member shall be a resident

of the district but need not own property and the seventh member shall own property in the district but need not be a resident. Members of the Board shall be persons who shall be specifically qualified by reason of interest, training or experience in art, architecture, land development, landscape architecture, planning, urban design, or other relevant business or profession to judge the effects of a proposed development upon the desirability, property values, and development of surrounding areas. At least one member of such Board shall be a registered architect in the State of California.

(3) The Board may adopt rules of procedure to supplement those contained within the La Jolla Shores Planned District Ordinance. Four members shall constitute a quorum for the transaction of business and a majority vote; and not less than four affirmative votes shall be necessary to make any Board decision.

(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) All officers of the City shall cooperate with the Board and render all reasonable assistance to it.

(6) The Board shall render a report annually on March 31, or on request, to the Mayor.

(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 La Jolla Shores 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 the La Jolla Shores Planned District Ordinance. 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 the La Jolla Shores Planned District Ordinance.

§1510.0106 General Regulations

The general regulations as defined herein shall apply in the La Jolla Shores Planned District.

§1510.0107 Applicable Regulations

(a) Where not otherwise specified in 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).

(b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies. In addition, Municipal Code Section 151.0401(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 151.0401(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

§1510.0108 Height Limitation- Measurement

The height of the building or structure, and measurement thereof shall be in accordance with the La Jolla Shores Planned District Ordinance and Land Development Code Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement).

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 10, Division 2, Sections 1510.0201 and 1510.0202, to read as follows:

Article 10: La Jolla Shores Planned District

Division 2: Permits and Procedures

§1510.0201 Procedures for Permit 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 La Jolla Shores Planned District or any building which is moved into the La Jolla Shores 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) The purpose for which the proposed building, structure or improvement is intended to be used.

(2) Adequate plans and specifications indicating dwelling unit density, lot area, lot coverage and off-street parking.

(3) Adequate plans and specifications for the building and improvements showing the exterior appearance, color and texture of materials, and architectural design of the exterior.

(4) Adequate plans and specifications for any outbuildings, party walls, courtyards, fences, setbacks, landscaping, signs, lighting or traffic safety.

(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 Ordinance.

(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 1510.0201(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 within the La Jolla Shores Planned District, 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.

§1510.0202 Previously Conforming Uses and Structures

(a) The lawful use of land which existed at the time the La Jolla Shores Planned District regulations became effective under Ordinance O-11332 and which did not conform with said regulations may be continued except when specifically prohibited provided no enlargement or additions to such use is made.

(b) The lawful use of buildings existing at the time the La Jolla Shores Planned District regulations became effective with which regulations such buildings did not conform may be continued, provided any enlargement, addition or alterations to such buildings will not increase the degree of nonconformity and will conform in every respect with all the La Jolla Shores Planned District regulations.

(c) 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 La Jolla Shores Planned District.

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

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

(f) 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 the La Jolla Shores Planned

District Ordinance. 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 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 10, Division 3, Sections 1510.0301, 1510.0302, 1510.0303, 1510.0304, 1510.0305, 1510.0306, 1510.0307, 1510.0308, 1510.0309, 1510.0310, 1510.0311, 1510.0313 and 1510.0314, to read as follows:

Article 10: La Jolla Shores Planned District

Division 3: Zones

§1510.0301 General Design Regulations

Concurrent with the adoption of the La Jolla Shores Planned District Ordinance, the City Council adopted architectural and design standards, by resolution, to be used in evaluating the appropriateness of any development for which a permit is applied under the La Jolla Shores Planned District Ordinance; such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

(a) Character of the Area

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and decks facilitate the "inside-outside" orientation of life in Southern California. Spanish Mediterranean and Mexican influences are seen in the

prevalent use of the arch and of terra cotta and glazed tiles. The residential and commercial structures incorporate an honest use of natural building materials and, in many instances, are characterized as a truly American style of architecture, fusing the purity and geometry of the Mexican-Spanish period with a simplicity of materials and detail with integrated landscape design.

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.

(c) Design Requirements

(1) Building materials and color are the most critical unifying elements. For this reason, roof materials within the La Jolla Shores Planned District shall be limited to wood shakes, wood shingles, clay tile, slate or copper of good quality where the pitch is 4 in 12 or greater or other materials which would contribute to the character of the surrounding neighborhood. Roofs with a pitch of less than 4 in 12 may also be covered with crushed stone of muted dark tone.

(2) Exterior wall materials shall be limited to wood siding, wood shingles, adobe and concrete blocks, brick, stucco, concrete or natural stone. White and natural earth colors should predominate. Primary colors may be used for accent.

(3) To preserve the seaside character of the community each building shall be sited and designed so as to protect public views from public rights-of-way and public places and provide for see-throughs to the ocean.

(4) Lighting which highlights architectural features of a structure shall be permitted. Such lighting shall be unobtrusive and shielded so as not to fall excessively on adjacent properties.

(5) Appurtenances on the roof shall be enclosed or otherwise designed or shielded to be attractive.

(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) Grading plans may be approved if it is concluded that:

(A) The development will result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.

(B) Grading, excavation and filling proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.

(C) The proposed development will strive to preserve and enhance the natural environment and any existing aesthetic qualities of the site.

(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).

§1510.0302 Permitted Use Regulations

The intent of these regulations is to preserve and enhance the environmental quality of La Jolla Shores Area as a place to live. A variety of housing types including single and multiple family units, motels and hotels supported by the necessary public facilities should be encouraged. The development of the businesses necessary to serve the residents and visitors to the area will be permitted in a compact and centrally located commercial area. Large high-rise buildings, out of scale with other structures within the community as well as automobile drive-in and drive-through establishments will be prohibited.

§1510.0303 Single-Family Zone - Permitted Uses

In the Single-Family (SF) Zone, designated on that certain map referenced in Section 1510.0102, 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 uses:

(a) One-family dwellings.

(b) Accessory uses and buildings customarily incidental to the foregoing permitted use including the following:

(1) Not more than two lodgers or boarders.

(2) Not more than one guest house on any premises.

(c) Public parks, public playgrounds and golf courses.

(d) Schools limited to primary, elementary, junior and senior high schools.

(e) Churches, temples or buildings of a permanent nature, used primarily for religious purposes.

(f) Electric distribution and gas regulating stations.

(g) Temporary real estate sales offices and model homes in new subdivisions under the following conditions:

(1) Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing area may be used as follows: one building for a temporary real estate sales office and not more than 4 dwelling units for temporary demonstration or model home purposes. Such temporary uses shall be maintained only in conjunction with the sale or rent of land or buildings within such subdivision and such uses shall terminate 2 years after the filing in the office of the County Recorder of the

final subdivision map which includes the lots on which the uses are located.

(2) No use authorized by the preceding paragraph shall be established closer than 200 feet from any occupied dwelling unit not in the same subdivision.

§1510.0304 Single Family Zone-Development Regulations

(a) Dwelling Unit Density Regulation

In the following Single-Family Zone, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel. In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in Section 1510.0102. However, in no instance shall the density exceed one unit per acre for areas which have a slope ratio of 25 percent or greater. Dwelling units that are allowed by computing density for those areas with a slope ratio of less than 25 percent may not be placed on slopes with a ratio of 25 percent or greater. In the event the subject parcel is not adjacent to or within 300 feet of subdivided and/or developed lots or parcels so that an average of dwelling unit density within 300 feet can be reasonably obtained, then said parcel shall be

limited in dwelling-unit density by the regulation described in Section 1510.0304 (e)(1).

(b) Siting of Buildings

(1) Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line, in some circumstances, provided the see-through provisions in Section 1510.0301(c) are observed.

(2) Buildings without openings facing the side property line may be constructed on the side property line in some circumstances, provided the see-through provisions in Section 1510.0301(c) are observed and provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way endanger or interfere with an abutting property, easement, or rights-of-way.

(3) Increased yard dimensions may be required for development adjacent to a public park to avoid any detrimental impact on the park.

(4) Building and structure setbacks shall be in general conformity with those in the vicinity.

(c) Maximum Building Height

No building or structure shall be erected, constructed, altered, moved or enlarged to a greater height than 30 feet.

(d) Maximum Lot Coverage

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover more than 60 percent of the lot or parcel.

(e) Specific Tract Requirements

In the following specific areas designated on that certain map referenced in Section 1510.0102, no tract shall be occupied by more dwelling units than the number permitted below:

(1) The dwelling unit density of Tracts A and B shall be limited to one unit for every 40,000 square feet of net land area with a slope ratio of 25 percent or greater and one unit for every 20,000 square feet net land area with a slope ratio less than 25 percent. Dwelling units that are allowed by computing density for those areas with a slope ratio of less than 25 percent may not be placed on slopes with a ratio of 25 percent or greater. Before calculating the number of permitted dwelling units and to determine the net land area within a particular tract, the amount of area proposed for public rights-of-way, private roadways and public or commercial parking shall be deducted from the gross tract area.

(2) Where development under a Planned Development Permit for residential development is permitted pursuant to the 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 La Jolla Parkway, 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) Tract D, a portion of Pueblo Lot bounded generally by Torrey Pines Road, the westerly line of Prestwick Estates Unit No. 1 and the northerly line of Pueblo Lot 1289 may be developed as follows:

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

(B) The dwelling unit density of Tract D shall be limited to one unit for every 40,000 square feet of net land area with a slope ratio of 25 percent or greater and 1 unit for every 4,000 square feet of net land area with a slope ratio of less than 25 percent.

(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) Development shall minimize drainage and erosion impacts resulting from land disturbance.

(E) Continuity with any future bikeway or exclusive bus lane along Torrey Pines Road shall be provided.

(F) Existing landscaping and tall trees shall be preserved and replaced only in the actual building site area; and extensive landscaping, including trees, shall be provided along Torrey Pines Road and all graded slopes.

(G) The furnishing of a geotechnical report at the tentative map stage is encouraged to insure that the site is stable enough to support the proposed development.

(H) Vehicular access to Torrey Pines Road shall be limited to one curb cut not to exceed 30 feet.

(I) In this particular tract a 45-foot-plus roof height limit may be observed to permit the preservation of trees and minimize the cutting of slopes.

(6) Tract F, a portion of Pueblo Lot 1288, including Lots 1 and 2 Tres Calles Subdivision bounded by the southerly line of Torrey Pines Road, the westerly line of Azure Coast Unit No. 2 and on the south by Azure Coast Drive and La Jolla Parkway shall be limited to a

maximum of eight dwellings per net acre. A maximum height of 32 feet plus roof shall be observed. The area bounded by La Jolla Parkway, Torrey Pines Road and Ardath Lane may be developed with a fire station.

(7) Tract G, portion of Lot 26, La Jolla Scenic Knolls, Unit No. 3, Map 6751, located westerly of Gilman Drive shall be developed in accordance with the following:

(A) The maximum density permitted shall be 8.7 dwelling units per net acre.

(B) A minimum of 900 square feet of usable open space shall be provided for each dwelling unit. Usable open space shall be composed of moderately level land having an overall grade not exceeding 10 percent and may not include land occupied by structures, streets, driveways or parking areas. The usable open space may be occupied by recreational facilities, excluding buildings.

(C) Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space for each one bedroom unit.

(D) Extensive landscaping, including trees, shall be provided along Gilman Drive, and on existing graded slopes.

(E) A 6-foot high masonry wall and/or earth berm shall be constructed along Gilman Drive no closer than five feet from the street right-of-way.

(F) A minimum of 400 feet shall be provided between curb cuts for vehicular access to Gilman Drive.

(G) Pedestrian access shall be provided to Pottery Canyon Park.

(H) Continuity shall be provided with any proposed bikeway along Gilman Drive.

(8) Tract H, portion Pueblo Lot 1291, located westerly of Gilman Drive shall be developed as follows:

(A) This tract may be developed at a maximum residential density of 84 units on 7.076 acres (11.9 units per acres) and/or with private recreational facilities. Any residential development should be clustered in order to minimize disturbance of and should relate well to topography.

(B) Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space

for each one bedroom unit. Parking for any tennis facility should be provided at a ratio of four parking spaces for each tennis court.

(C) Extensive landscaping, including trees, shall be provided along Gilman Drive and to all other areas of the tract. Existing trees shall be preserved where possible.

(D) A minimum of 400 feet shall be provided between curb cuts for vehicular access along Gilman Drive.

(E) Continuity with any future bikeway along Gilman Drive shall be provided.

(F) Manufactures slopes shall not exceed a slope of 2 to 1 except for vehicular access.

(G) Not less than 40 percent of the tract shall be preserved in natural and/or landscaped open space pursuant to an easement to be granted to the City of San Diego.

(H) Vehicular access to any development shall be exclusively by way of the existing driveway entrance at the southerly boundary of the tract.

(I) An internal access road linking residential development on the southerly and northerly portions of the tract shall minimize grading and visual impact to the extent feasible.

(9) Tract I, portion of Blocks 1, 2, Leavitt's Addition, Map 117, westerly of Gilman Drive, shall be developed as follows:

(A) The maximum density provided shall be one dwelling unit for every 40,000 square feet of land area.

(B) Parking for any residential development under a "cluster" concept shall be provided at a ratio of two on-site parking spaces and one communal or public parking space for each unit with three or more bedrooms; 1.6 on-site spaces and one communal or public space for each two bedroom unit; and 1.2 on-site spaces and one communal or public space for each one bedroom unit.

(C) Extensive landscaping, including trees, shall be provided along Gilman Drive.

(D) To reduce traffic hazards, vehicular access from Gilman Drive shall be minimized.

(E) Continuity with any future bikeway along Gilman Drive shall be provided.

(f) Off-Street Parking

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

(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.

(g) Sign Regulations

(1) 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.

(2) Any sign not in compliance with the La Jolla Shores Planned District Ordinance shall be removed within 7 years from the effective date of Ordinance O-11332.

(3) For each temporary real estate sales office and each model home - one temporary sign not more than four square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

(4) One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

(A) Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

(B) Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground on which it is erected;

(C) Such sign shall be unlighted.

(5) One public interest wall or ground sign not more than four square feet in total area, and not more than four feet in height measured to the apex of the sign.

(h) Landscape Regulations

(1) In the Single-Family Zone, 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 30 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) All landscaping shall be completed within 6 months of occupancy or within one year of the notice of completion of a residence.

(3) All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

§1510.0305 Multi-Family Zones - Permitted Uses

In the Multi-Family (MF) Zones, designated on that certain map referenced in Section 1510.0102, no building or improvement or portion thereof shall be erected, constructed, established, altered, or enlarged, nor shall any premises be used except for one or more of the following purposes:

(a) Any use permitted in the Single Family Zone.

(b) Two-family dwellings

(c) Apartment houses designed to serve as the principal place of residence for a family or person. These units should not serve transient and temporary residents in the manner of a hotel or motel.

(d) Accessory uses

All accessory uses shall be located in the same building complex as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses. Accessory uses may include the following:

(1) Not more than two lodgers or boarders per dwelling unit.

(2) Recreational and health facilities which are designed, used and clearly intended for the use of occupants of residential complexes, including tennis courts, putting greens, exercise rooms and sauna and steam baths.

(3) Communal dining facilities and snack bars in residential complexes which are designed, used and clearly intended for the convenience of the occupants and guests of the residential complex only.

(e) Residential care homes for not more than six aged persons, which are licensed by the State of California Department of Social Welfare.

(f) Parking facilities accessory to a permitted use in the Multi-Family Zones.

(g) Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Multi-Family Areas and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1510.0306 Multi Family Zones-Development Regulations

(a) Dwelling Unit Density Regulations

In the Multi-Family (MF1 and MF2) Zones, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, no lot or parcel shall be developed or occupied by more than one unit for every 2,200 square feet of lot area in the MF1 Zone and one unit for every 1,000 square feet of lot area in the MF2 Zone.

(b) Siting of Buildings

(1) Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line.

(2) Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off of the

subject property and shall in no way endanger or interfere with any abutting property, easement, or rights-of- way.

(3) To provide for see-throughs to the ocean, buildings shall be located so that the major axis of the structure will generally be at right angle to the shore line. The secondary or minor axis of the structure shall not exceed 60 percent of the width of the parcel. However, no building facade may be a continuous plane over 50 feet in length.

(c) Building Heights

In the Multi-Family areas (MF1 and MF2), designated on that certain map referenced in Section. 1510.0102, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than 30 feet. Under no condition will any part of the building, including utility poles, electrical transmission towers, chimneys, ventilators, plumbing stacks, radio and television reception antennas, flagstaffs, elevator shafts and like appurtenances, exceed 30 feet in height.

(d) Lot Coverage

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover a greater portion of the lot or parcel than is shown in Table 1510-03A.

Table 1510-03A
Lot Coverage

Building Height Excluding Roof	Percent Maximum Coverage
40 to 45 feet	30
32 to 40 feet	40
below 32 feet	50

(e) Off-Street Parking

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

(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.

(f) 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) Any sign not in compliance with the La Jolla Shores Planned District Ordinance shall be removed within 7 years from the effective date of Ordinance O-11332.

(2) No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in the La Jolla Shores Planned District Ordinance and public interest signs.

(3) One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single-family dwelling unit where no sign is allowed. Such signs shall not exceed two square feet in total face area and four feet measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

(4) In the MF Zones, no signs, displays or advertising relating to any accessory uses shall be visible from any street.

(5) For each temporary real estate sales office and each model home -- one temporary sign not more than 4 square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

(6) One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

(A) Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

(B) Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than four feet above the surface of the ground upon which it is erected;

(C) Such sign shall be unlighted.

(7) One public interest wall or ground sign not more than 4 square feet in total area nor more than 4 feet measured in height to the apex of the sign.

(g) Landscape Regulations

(1) In the MF Zones, 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 30 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) All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

(3) Landscaping and watering system as required by the La Jolla Shores Review Board shall be installed within 6 weeks following occupancy of the premises.

§1510.0307 Visitor Zone-Permitted Uses

In the Visitor (V) Zone, designated on that certain map referenced in Section 1510.0102, 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:

(a) Any use permitted in the Multi-Family Zones.

(b) Hotels and motels and the following accessory uses:

(1) Restaurants and bars

(2) News and tobacco stores

(3) Barber shops

(4) Beauty shops

(5) Valet services (agency for laundering, cleaning and pressing of clothing)

(6) Travel, ticket and car rental agents

(7) Gift shops

(8) Florists

(9) All accessory uses shall be located in the same building as the permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or other similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 20 percent of the gross floor area of the permitted uses.

(c) Private clubs, lodges, and fraternal organizations except fraternities and sororities.

(d) In the portion of Pueblo Lot 1286 bounded by La Jolla Shores Drive, Torrey Pines Road and La Jolla Parkway (dedicated but unimproved as a roadway) a restaurant and automobile service station will be permitted in addition to any of the other visitor area uses.

(e) Any other uses the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Visitor Zone and the La Jolla Shores Planned District Ordinance. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1510.0308 Visitor Zone-Development Regulations

(a) Guest Room Density Regulations

In the Visitor Zone, designated on that certain map referenced in Section 1510.0102, no lot or parcel shall be occupied by more than one dwelling unit or two guest rooms for every 1,000 square feet of land area.

(b) Siting of Buildings

(1) Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line, provided the see-through provisions in Section 1510.0301(c), are observed.

(2) Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way endanger or interfere with any abutting property, easement, or rights-of-way.

(c) Maximum Building Height

In the Visitor Zone designated on that certain map referenced in Section 1510.0102, unless specified otherwise, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than 30 feet.

(d) Maximum Lot Coverage

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover a greater portion of the lot or parcel than is shown in Table 1510-03B.

Table 1510-03B
Lot Coverage

Building Height Excluding Roof	Percent Maximum Coverage
40 to 45 feet	30
32 to 40 feet	40
below 32 feet	50

(e) Off-Street Parking Requirements

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

(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.

(f) Sign Regulations

(1) 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. 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.

(2) 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.

(3) Any sign not in compliance with the La Jolla Shores Planned District Ordinance shall be removed within seven years from the effective date of Ordinance No. O-11332 dated May 30, 1974.

(4) No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in the La Jolla Shores Planned District Ordinance and public interest signs.

(5) Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink, or effect changes in hue or intensity or illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

(6) A sign shall not project above the top of the second floor or the parapet or eaves, whichever is lower, of the building to which it is affixed.

(7) One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single - family dwelling unit where no sign is allowed. Such signs shall not exceed two square feet in total face area and four feet

measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

(8) Ground signs shall be permitted only when the following conclusions can be reached:

(A) That there are special circumstances or conditions applying to the land or buildings for which the sign is sought, which do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the La Jolla Shores Planned District Ordinance.

(B) That the aforesaid circumstances or conditions are such that the strict application of the provisions of the La Jolla Shores Planned District Ordinance would deprive the applicant of the reasonable use of the land or buildings.

(C) The granting of the sign will be in harmony with the general purpose and intent of the La Jolla Shores Planned District Ordinance regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(D) Ground signs when permitted shall not exceed an area of 20 square feet in total face area or be less than three feet in any one dimension or exceed a height of eight feet. Ground

signs shall not encroach or overhang into the public right-of-way.

(9) For each dwelling unit one nameplate having a maximum area of one square foot shall be permitted.

(10) In the Visitor Zone, no signs, displays or advertising relating to any accessory uses shall be visible from any street.

(11) For each temporary real estate sales office and each model home -- one temporary sign not more than 4 square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

(12) One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

(A) Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

(B) Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than 4 feet above the surface of the ground upon which it is erected;

(C) Such sign shall be unlighted.

(13) One public interest wall or ground sign not more than 20 square feet in total area nor more than 8 feet in height measured to the apex of the sign.

(g) Landscape Regulations

(1) In the Visitor Zone, 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 30 percent of the total parcel area. All landscaping and irrigation shall be developed in conformance with the Landscaping Guidelines of the Land Development Manual.

(2) All landscape material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

(3) Landscaping and watering system as required by the La Jolla Shores Review Board shall be installed within 6 weeks following occupancy of the premises.

§1510.0309 Commercial Center Zone-Permitted Uses

In the Commercial Center (CC), designated on that certain map referenced in Section 1510.0102, 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 provided that

the ground floor area of any establishment does not exceed 6,000 square feet. The minimum floor area for each dwelling unit or apartment is 400 square feet.

(a) Retailing of consumer goods and dispensing of consumer services from the following establishments:

(1) Antique shops

(2) Apparel and tailor shops

(3) Art galleries

(4) Art supplies shops

(5) Bakeries

(6) Barber shops

(7) Beauty shops

(8) Bicycle shops

(9) Book stores

(10) Confectioneries

(11) Curtain and drapery shops

(12) Drug stores

(13) Dry cleaning and laundry agencies and self-service dry cleaning and laundry establishments

(14) Florists

(15) Food stores

(16) Gift shops

(17) Hardware stores

(18) Hobby shops

(19) Import shops

(20) Interior design studios

(21) Jewelry stores

(22) Libraries

(23) Liquor stores

(24) Music and record stores

(25) Paint and wallpaper stores

(26) Picture frame shops

(27) Photographic studios

(28) Radio, television and small home appliance sales and repair shops

(29) Real estate brokers

(30) Restaurants (excluding drive-in and drive-thru restaurants)

(31) Shoe stores

(32) Shoe repair shops

(33) Sporting goods stores

(34) Stationers

(35) Travel agencies

(36) Variety stores

(b) Electric distribution and gas regulating stations serving the immediate area.

(c) The following uses are also permitted provided that such uses are not located on the ground floor within the front half or 50 percent of the lot:

(1) Business and professional offices

(2) Dwelling units and apartments

(3) Studios for teaching of art, drama, dancing and music

(4) Automobile parking

(d) Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of the Commercial Center Area (CC) and the La Jolla Shores Planned District. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1510.0310 Commercial Center Zone-Development Regulations

(a) Commercial Center Zone Density Regulations

In the Commercial Center Zone, designated on that certain map referenced in Section 1510.0102, commercial structures may occupy 100 percent of the lot or parcel.

(b) Building Heights

In the Commercial Center Zone, designated on that certain map referenced in Section 1510.0102, unless specified otherwise, no building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than 30 feet.

(c) Off-Street Parking Requirements

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

(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.

(d) Parking Location for Commercial Center

Required off-street parking for uses in the Commercial Center Area (CC), designated on that certain map referenced in Section 1510.0102, may not be located on the front 50 percent of the lot except when such parking is located on the second story or above. Also, required off-street parking for uses in the Commercial Center Area may be located in whole or in part on nearby land provided that all of the following criteria are met:

(1) Some portion of the parking area is within 400 feet horizontal distance of the premises on which the use requiring off-street parking is located, and provided that said parking area is in the Commercial Center (CC) and Multi-Family (MF) Areas, designated on that certain map referenced in Section 1510.0102.

(2) 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.

(e) Sign Regulations

(1) 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. 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.

(2) 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.

(3) Any sign not in compliance with the La Jolla Shores Planned District Ordinance shall be removed within 7 years from the effective date of Ordinance No. O-11332 dated May 30, 1974.

(4) No signs shall be permitted except signs designating the premises for sale, rent or lease, signs which refer only to the permitted uses as set forth in the La Jolla Shores Planned District Ordinance and public interest signs.

(5) Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink, or effect changes in hue or

intensity or illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

(6) A sign shall not project above the top of the second floor or the parapet or eaves, whichever is lower, of the building to which it is affixed.

(7) One single-faced or double-faced ground directional sign shall be permitted at each driveway, except when such driveway serves a single-family dwelling unit where no sign is allowed. Such signs shall not exceed 2 square feet in total face area and 4 feet measured vertically from the base at ground level to the apex of the sign. Such signs shall not encroach into the public right-of-way.

(8) Ground signs shall be permitted only when the following conclusions can be reached:

(A) That there are special circumstances or conditions applying to the land or buildings for which the sign is sought, which do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the La Jolla Shores Planned District Ordinance.

(B) That the aforesaid circumstances or conditions are such that the strict application of the provisions of the La Jolla

Shores Planned District Ordinance would deprive the applicant of the reasonable use of the land or buildings.

(C) The granting of the sign will be in harmony with the general purpose and intent of the La Jolla Shores Planned District Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(D) Ground signs when permitted shall not exceed an area of 20 square feet in total face area or be less than 3 feet in any one dimension or exceed a height of 8 feet. Ground signs shall not encroach or overhang into the public right-of-way.

(9) For each dwelling unit one nameplate having a maximum area of one square foot shall be permitted.

(10) For each temporary real estate sales office and each model home -- one temporary sign not more than 4 square feet in area on the same premises identifying the subdivision in which the sales office or home is located. All such signs shall be removed within 18 months of the filing of the final subdivision map.

(11) One temporary sign shall be permitted on each lot or parcel of real estate, to advertise the leasing, rental or sale of such lot or parcel, provided that such sign meets all of the following conditions:

(A) Such sign shall be installed and maintained by, or at the direction of, the owner of such lot or parcel of real property;

(B) Such sign shall not exceed 5 x 7 inches in size and no part of such sign shall extend more than 4 feet above the surface of the ground upon which it is erected;

(C) Such sign shall be unlighted.

(12) One public interest wall or ground sign not more than 20 square feet in total area nor more than 8 feet in height measured to the apex of the sign.

§1510.0311 Public Park Area

In the Public Park (PP) area, designated on that certain map referenced in Section 1510.0301, no building or improvement or portion thereof, shall be erected, converted, established, altered or enlarged, nor shall any premises be used except for park purposes.

§1510.0312 Northwest YMCA

(a) Permitted Uses

In the area designated on that certain map referenced in Section 1510.0102 as YMCA, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for YMCA purposes.

(b) General Design Regulation

(1) Expansion must not encroach on adjacent uses.

(2) Adequate and appropriate landscaping and/or fencing must be provided between adjacent property and next to all public rights-of-way.

(c) Siting of Buildings

(1) Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line.

(2) Buildings without openings facing the side property line may be constructed on the side property line provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way, endanger or interfere with any abutting property, easement, or rights-of-way.

(d) Maximum Lot Coverage

No more than 20 percent of the total lot area shall be covered by buildings or structures.

(e) Off-Street Parking Requirements

(1) Parking shall be provided in accordance with the 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) Sign Regulations

(1) 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.

(2) Animated signs, including but not limited to those signs which rotate, move, flash, reflect, blink, or effect changes in hue or intensity of illumination are prohibited. Pennants, banners, streamers, and signs, any parts of which may be set in motion by the movement of the atmosphere, are also prohibited. Neon signs are prohibited.

(3) Signs will be in harmony with the general purposes and intent of the La Jolla Shores Planned District Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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 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) All landscaping shall be completed within 6 months of occupancy or within one year of the notice of completion of a residence.

(3) All landscaped material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscaping material.

§1510.0313 Private Recreation Facility-Permitted Uses

In the area designated on that certain map referenced in Section 1510.0102 as "PRF," 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 uses:

(a) Private recreation facilities including:

(1) Tennis courts

(2) Golf course

(3) Guest units

(4) Restaurant

(5) Swimming pool

(6) Meeting rooms

(7) Business area catering to above uses

(b) Any other uses which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated above and consistent with the purpose and intent of the Private Recreation Facility Zone and the La Jolla Shores

Planned District Ordinance. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.

§1510.0314 Private Recreation Facility-Development Regulations

(a) Density

In the Private Recreation Facility Zone designated on that certain map referenced in Section 1510.0102, the guest unit density shall not exceed 6.3 guest units per acre.

(b) Setback Requirements

New structures or additions shall not encroach on sandy beach areas with the exception of necessary erosion control devices consistent with the La Jolla Shores Local Coastal Program Addendum. Building and structure setbacks shall be in general conformity with those in the vicinity.

(c) Maximum Building Height

No building or structure shall be erected, constructed, altered, moved in or enlarged to a greater height than 30 feet.

(d) Maximum Lot Coverage

No building or structure shall be erected, constructed, altered, moved in or enlarged to cover more than 50 percent of the lot or parcel.

(e) Design Criteria

(1) New development shall be compatible with the style, scale and character of the existing development in the zone.

(2) An open park-like setting should be provided through use of open space, view corridors; landscaping and appropriate street setbacks.

(f) Off-Street Parking

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

(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.

(g) Sign Regulations

All signs shall conform to the regulations of Section 1510.0308(f).

(h) 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 30 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) Existing mature trees and landscaping features such as ponds shall be retained where feasible. New landscaped areas shall respect types and patterns of existing landscaping.

(3) All landscape material shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 10, Division 4, Sections 1510.0401, 1510.0402 and 1510.0403, to read as follows:

Article 10: La Jolla Shores Planned District

Division 4: General and Supplemental Regulations

§1510.0401 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 the La Jolla Shores Planned District Ordinance. Substantial conformance shall be determined by the City Manager.

(a) When Required

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.

(b) Existing Parking Not to Be Reduced

Notwithstanding any other provisions of the La Jolla Shores Planned District Ordinance, existing off-street parking facilities in any area which were provided on the same premises and maintained before parking was required 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) Use of Required Parking Spaces
Required off-street parking spaces shall be used only for the parking of usable vehicles of residents, employers, employees, customers and visitors.

(d) Existing Uses -- Enlargement

Whenever an existing use which does not provide all the off-street parking spaces required by the Municipal Code on any premises is enlarged by an increase in dwelling units, floor area or otherwise, 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 provided in the Municipal Code.

(e) Requirements Totaled

The off-street parking requirements for two or more uses on the same premises shall be the sum of the requirements for each use computed separately.

(f) Parking and Business Improvement Area

(1) If a parking and business improvement area is formed in accordance with Chapter 6, Article 1, Division 18 of the San Diego Municipal Code, the number of off-street parking spaces required

for properties within the parking and business improvement area shall decrease in accordance with the following formula: (Assessment against the subject property) divided by (total assessment against all property in parking district) multiplied by (parking spaces provided in the district facility) multiplied by 1.25 equals parking spaces excepted.

(2) The remainder of the off-street parking spaces required by the applicable regulations shall be provided on the lot or premises of the subject property or as otherwise provided in the particular area. Property located within more than one parking and business improvement area shall be entitled to an exception based on the sum of the exceptions calculated by the application of the formula referred to above to each parking and business improvement area.

(g) Computation

In computing the required number of off- street parking spaces, a remaining fraction of 0.5 or more shall be deemed a whole unit of measurement; a remaining fraction of less than 0.5 may be disregarded.

(h) Marking of Spaces

Where five or more required parking spaces are provided on a lot, each space shall be clearly marked with paint or any other more durable material contrasting in color with the surface to which applied.

(i) Computation - Unmarked Areas

In an unmarked parking area containing less than 5 parking spaces, the number of spaces shall be the quotient of the total number of square feet in the usable parking area divided by 350 square feet.

(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) Surfacing

All parking spaces and driveways shall be surfaced with the structural equivalent of 2 inches of asphaltic concrete as determined by the City Engineer.

(m) Lighting

No exterior lighting shall fall excessively on adjacent properties or be disturbing to other properties.

(n) Wheel Stops

On premises containing 5 or more parking spaces, all such spaces within 10 feet of the boundaries of abutting properties shall be equipped with wheel stops not less substantial than 6-inch square horizontal timber

permanently anchored, maintained, and located so as to confine vehicles entirely within said premises.

(o) Screening of Parking

All parking areas (excluding ingress and egress but including areas between driveways) shall be screened from public rights-of-way and adjoining properties by fences, walls, buildings, planting or a combination thereof. Said fences, walls, buildings and planting shall have a height of not less than four feet except that higher than 4-foot fences, walls, buildings or planting may be required to provide adequate screening if the adjoining property is substantially higher than the parking area.

(p) Landscaping

A minimum of 10 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.

§1510.0402 Special Regulations

(a) Storage

Storage of merchandise, material, or equipment including refuse containers shall be permitted only when incidental to a permitted use located on the same premises, and shall be completely enclosed within a building which shall consist of walls and a roof. No outdoor storage shall be permitted.

(b) Parking or Storage of Boats, Trailers, and Campers

Parking or storage of boats, trailers, and campers and other wheeled vehicles for greater than three days shall not be permitted within a dedicated public right-of-way or front yard.

(c) Enclosure of Service Equipment

No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.

(d) Utilities

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) Antennas

Only one exterior television and/or radio antenna per building will be permitted.

(f) Private Streets, Alleys and Walkways

All streets, alleys and walkways proposed for general area wide use within any development which are not dedicated to public use shall be improved in accordance with standards established by the City Engineer. Provision acceptable to the City shall be made for the preservation and maintenance of all such streets, alleys and walkways.

(g) Public Improvements

When a subdivision map is not required, a Hearing Officer may require improvements including but not limited to sidewalks, curbs, gutters, street pavement, and street trees as a condition for the approval of a La Jolla Shores Planned District Permit. Such improvements shall be in accordance with standards established by the City Engineer.

(h) Tennis Courts

No tennis courts shall be lighted past 10 p.m.

§1510.0403 Structures Below The Water Table

Structures in the La Jolla Shores Planned District area may be constructed below the water table only if all of the following conditions are met:

(a) No subsurface waters shall be discharged from any building onto the public streets, or into a storm drain system that discharges onto the beach, either during the construction period or after the structure is completed except as permitted under Section 1510.0403(b).

(b) Any pumping system utilized shall be only for emergency use and shall not be designed, built or utilized for intermittent or continuous pumping

and shall specifically not be used for the pumping of subsurface waters. Any discharge from such a system shall be pumped onto the public street and shall not be connected directly to the storm drain. The design for such a system shall be shown in detail on the plans submitted for approval. The owner shall immediately notify the City Engineer when water is pumped into the street.

(c) If a watertight subterranean structure is to be utilized, it shall be the responsibility of the owner to ensure that it remains watertight at all times and to repair any leaks within 30 days.

(d) A system to provide for the avoidance of any subsidence of adjoining or nearby structures, both during and after construction, shall be shown in detail on the plans submitted for approval. The plan shall indicate procedures to be taken in the event subsidence occurs. The owner of the proposed project shall provide the services of an independent testing laboratory to monitor continuously for such subsidence.

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 Thomas

Shannon M. Thomas
Deputy City Attorney

SMT:als
01/12/07
Or.Dept:DSD
O-2007-78
MMS#3399

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 Sara Richard
Deputy City Clerk

Approved: 3-27-07
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

O-19587