

ORDINANCE NUMBER O- 20756 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE REPEALING CHAPTER 15, ARTICLE 8, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 158.0101, 158.0102, 158.0103, AND 158.0104; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 2 BY REPEALING SECTIONS 158.0201, 158.0202, 158.0203, 158.0204, 158.0205, 158.0206, AND 158.0207; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 3 BY REPEALING SECTIONS 158.0301, 158.0302, AND 158.0303; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 4 BY REPEALING SECTIONS 158.0401, 158.0402, 158.0403, 158.0404, 158.0405, 158.0406, 158.0407, AND 158.0408; AND AMENDING CHAPTER 15, ARTICLE 8, APPENDIX BY REPEALING FIGURES 1, 2, AND 3 ALL RELATING TO THE GOLDEN HILL COMMUNITY PLAN UPDATE AND THE GOLDEN HILL PLANNED DISTRICT ORDINANCE.

WHEREAS, Resolution No. R310756, which was considered along with this Ordinance, proposes to adopt a comprehensive update to the Golden Hill Community Plan (Golden Hill Community Plan); and

WHEREAS, Ordinance No. O-20757, which was considered along with this Ordinance, proposes to rezone the land within the Golden Hill Community Plan area to use citywide zones as set forth in San Diego Municipal Code Chapter 13, Division 1, as shown on Zone Map Drawing No. C-966, on file in the Office of the City Clerk as Document No. OO- 20757 (Golden Hill Rezone); and

WHEREAS, the Golden Hill Planned District Ordinance, which only applies within the Golden Hill Community Plan area, is no longer necessary because of the adoption of the Golden Hill Rezone and Golden Hill Community Plan; and

WHEREAS, on September 22, 2016, the Planning Commission of the City of San Diego voted 7-0 to recommend approval of this Ordinance; and

WHEREAS, the matter was set for public hearing on October 25, 2016, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and been fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 8, Division 1 of the San Diego Municipal Code is amended by repealing sections 158.0101, 158.0102, 158.0103, and 158.0104.

Section 2. That Chapter 15, Article 8, Division 2 of the San Diego Municipal Code is amended by repealing sections 158.0201, 158.0202, 158.0203, 158.0204, 158.0205, 158.0206, and 158.0207.

Section 3. That Chapter 15, Article 8, Division 3 of the San Diego Municipal Code is amended by repealing sections 158.0301, 158.0302, and 158.0303.

Section 4. That Chapter 15, Article 8, Division 4 of the San Diego Municipal Code is amended by repealing sections 158.0401, 158.0402, 158.0403, 158.0404, 158.0405, 158.0406, 158.0407, and 158.0408.

Section 5. That Chapter 15, Article 8, Appendix is amended by repealing Figures 1, 2, and 3.

Section 6. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport facility (Lindberg Field),

this Ordinance shall take effect and be in force on the date of the finding of consistency, provided that and not until at least thirty days have passed from the final date of passage, or the date that R- 310756, adopting the Golden Hill Community Plan becomes effective, whichever date occurs later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for SDIA, the Ordinance shall be submitted to the City Council for reconsideration.

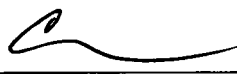
That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for SDIA, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 310756, adopting the Golden Hill Community Plan and becomes effective, whichever date occurs later.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the applicable airport(s). The City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, or the date that R- 310756, adopting the Golden Hill Community Plan becomes effective, whichever date occurs later.

Section 8. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless application therefore was made prior to the date of adoption of this Ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
September 6, 2016
Or.Dept:Planning
Doc. No.: 1345725

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/28/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE REPEALING CHAPTER 15, ARTICLE 8, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 158.0101, 158.0102, 158.0103, AND 158.0104; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 2 BY REPEALING SECTIONS 158.0201, 158.0202, 158.0203, 158.0204, 158.0205, 158.0206, AND 158.0207; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 3 BY REPEALING SECTIONS 158.0301, 158.0302, AND 158.0303; AMENDING CHAPTER 15, ARTICLE 8, DIVISION 4 BY REPEALING SECTIONS 158.0401, 158.0402, 158.0403, 158.0404, 158.0405, 158.0406, 158.0407, AND 158.0408; AND AMENDING CHAPTER 15, ARTICLE 8, APPENDIX BY REPEALING FIGURES 1, 2, AND 3 ALL RELATING TO THE GOLDEN HILL COMMUNITY PLAN UPDATE AND THE GOLDEN HILL PLANNED DISTRICT ORDINANCE.

~~Article 8: Golden Hill Planned District~~

~~Division 1: General Rules~~

~~§158.0101 Purpose and Intent~~

~~The purpose of the Golden Hill Planned District is to ensure that the development and redevelopment of multi-family and commercial neighborhoods in Golden Hill will be accomplished in a manner that will preserve and enhance the community's diverse architectural, historical and cultural characteristics, as well as the overall quality of life in the community. It is also intended to preserve and complement~~

~~the historically and architecturally significant structures located throughout the district. In addition, the purpose of the Golden Hill Planned District is to implement the goals and objectives of the adopted Golden Hill Community Plan (1988) and the General Plan of the City of San Diego.~~

§158.0102 Boundaries

~~The regulations which follow shall apply in the Golden Hill Planned District which is within the boundaries of the Golden Hill community planning area in the City of San Diego, California, designated on that certain Map No. C-864, and described in the appended boundary description filed in the office of the City Clerk under Document No. OO-18058.~~

§158.0103 Applicable Planning, Zoning, and Subdivision Regulations

~~Where not otherwise specified in the Golden Hill Planned District, 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 3 (Fence Regulations);~~

~~Chapter 14, Article 2, Division 4 (Landscape Regulations);~~

~~Chapter 14, Article 2, Division 5 (Parking Regulations);~~

~~Chapter 14, Article 2, Division 6 (Public Facility Regulations);~~

~~Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);~~

~~Chapter 14, Article 2, Division 12 (Sign Regulations);~~

~~Chapter 14, Article 3, (Supplemental Development Regulations) 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 Golden Hill Planned District, the Planned District applies.~~

§158.0104 Definitions

~~The definitions in Land Development Code Section 113.0103 apply except where a conflict exists with the definitions set forth in the Golden Hill Planned District.~~

~~Where a conflict exists, the definitions in the Golden Hill Planned District apply.~~

~~**Enclosed Parking.** A parking area within a building serving a permitted use.~~

~~Enclosed parking is completely walled and roofed, except that where, as an option, it has one open side facing an alley.~~

~~**Article 8: Golden Hill Planned District**~~

~~**Division 2: Permits and Procedures**~~

§158.0201 Administrative Regulations

(a) ~~Administration.~~

~~The City Manager shall administer the Golden Hill Planned District and ensure compliance with the regulations and procedures of the Golden Hill~~

~~Planned District. In evaluating the appropriateness of any development for which a permit is applied under the Golden Hill Planned District, the appropriate decision-maker shall utilize the Golden Hill Community Plan, the Golden Hill Planned District Design Criteria and Guidelines as adopted by the City Council and the following design studies:~~

- ~~(1) Golden Hill Fern Street and 30th Street Revitalization Plan (M.W. Steele Group, Patrick O'Connor and Urban Systems Associates, May 1987);~~
- ~~(2) Golden Hill 25th Street Revitalization Plan (RNP Architecture and Planning, June 1987); and~~
- ~~(3) Project First Class Urban Design Program (Southeast Urban Design Group); and~~
- ~~(4) Any other design study or revitalization plan adopted by the City Council for the Golden Hill community.~~

~~(b) Activities Regulated~~

- ~~(1) No building, structure or improvement or portion thereof shall be erected, converted, altered, established or enlarged, nor shall the use of any building or structure be changed, nor any such building, structure or improvement be used or occupied unless it complies with the requirements of the Golden Hill Planned District.~~
- ~~(2) No permit may be issued for the erection, construction, conversion, demolition, establishment, alteration or enlargement of any building or structure, or for the grading of any site, or portion~~

~~thereof, or for the change in use of any building or structure in the Golden Hill Planned District until approval of the City Manager has been obtained by the applicant or owner. Each application for a building, demolition or grading permit shall: state the intended use of the proposed site, building, structure or improvement; specify the applicable zone; and describe any previously issued permits. Approval of the City Manager is not required for modifications, repairs, or other alterations which do not require a building, demolition or grading permit. Additional application requirements are contained in Section 158.0203.~~

~~(e) Public Facilities, Structures and Area~~

~~All public open areas, street sidewalks, street furniture, street signs, lighting installation, and any other incidental structures or monuments shall conform to the purpose and intent of the Golden Hill Planned District and shall be subject to all the regulations, conditions and standards established in the Golden Hill Community Plan, the Golden Hill Planned District Design Criteria and Guidelines, as adopted by Council with this ordinance, and the studies referenced in Section 158.0201(a), shall be used to evaluate the appropriateness of any development.~~

~~(d) Previously Conforming Uses and Structures~~

~~Previously conforming uses and structures are subject to Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses). Structures not~~

~~conforming to the yard requirements specified in the Golden Hill Planned District may be altered or enlarged, provided the alterations and additions observe all other existing zoning requirements.~~

(e) ~~Demolition Permits~~

~~No permits shall be issued for the demolition and/or removal of any building or structures unless the application for the permit has been approved by the City Manager or Planning Commission as described in Sections 158.0201(c)(2) and (3) (Demolition Permits).~~

- (1) ~~If any structure or building is demolished or substantially damaged without first obtaining a demolition permit, the City Manager may not accept plans for a Planned District Ordinance review, nor may the City Manager accept a building permit application for that site for a period of one year, or a previously issued permit may be revoked for the period of one year. If the structure or building was a designated historic site, or a Secondary Significant Structure as identified in the booklet Greater Golden Hills Historic District #2, prepared by the City of San Diego and the Greater Golden Hills Planning Committee, adopted October 6, 1978, the City Manager may not accept plans for a Planned District Ordinance review or accept a building permit application for two years or a previously issued permit may be revoked for the period of two years.~~

- (2) ~~Other than provided by Section 158.0201(e)(3) an application for a demolition permit may be approved or denied by the City Manager in accordance with Process One.~~
- (3) ~~The Planning Commission may approve, conditionally approve or deny, in accordance with Process Four, an application for a demolition permit for a designated historical structure. If the City Manager identifies a potential historic structure, the demolition or removal permit application shall not be approved for 90 calendar days or until the Historical Resources Board has evaluated and acted on the site's historical significance, whichever occurs first. If the site is not designated a historical resource, the application may be approved or denied by the City Manager in accordance with Process One. The provisions of this section do not apply to the following:~~
 - (A) ~~Any building or structure found by the City Manager to present a hazard to the public health or safety, and for which an emergency permit for demolition must be issued;~~
~~or~~
 - (B) ~~Any permit approved as part of a development project submitted, reviewed and approved in accordance with the Golden Hill Planned District, provided that such development application includes an environmental document prepared in accordance with the California~~

~~Environmental Quality Act (CEQA) which describes and addressed the historical/ architectural significance of the property. Such environmental report shall be reviewed by the Historical Resources Board for the purpose of recommending to the decisionmaker whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).~~

§158.0202 Design Criteria and Guidelines

~~Concurrent with the adoption of the Golden Hill Planned District, the City Council shall by resolution also adopt architectural criteria and design guidelines to be used in evaluating the appropriateness of any development for which a permit is applied for under the Golden Hill Planned District. The Golden Hill Design Criteria and Guidelines shall be filed in the office of the City Clerk under Document No. RR-274598.~~

§158.0203 Submittal Requirements

~~Application shall be made, in accordance with Land Development Code 112.0102, prior to commencement of any work in the erection of any new building or structure, or 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:~~

- ~~(a) A deposit or fee as indicated on the current fee schedule maintained in the office of the City Clerk;~~

- ~~(b) The purpose for which the proposed building, structure or improvement is intended to be used;~~
- ~~(c) Site plans, floor plans, elevations and sections including the following information: datum points indicating both preexisting natural grade and finished grade, calculations indicating lot area, dwelling unit density, lot coverage, floor area ratio, and height (elevations), fully dimensioned floor plans with all rooms identified, setback lines shown, off-street parking location with dimensions and placement of landscaping material, including number of plants and plant sizes;~~
- ~~(d) Site plans and elevations for the building and improvements which show all exterior finish materials, architectural design of all exterior features, and the relationship to adjacent structures;~~
- ~~(e) Site plans and elevations including grade points and dimensions for any outbuilding, party walls, courtyards, fences, signs, lighting; and~~
- ~~(f) Any other information deemed necessary by the City Manager to evaluate the project for compliance with the regulations contained in the Golden Hill Planned District and other applicable laws and regulations.~~
- ~~(g) To demonstrate the degree of compatibility between existing, new and rehabilitated construction, applicants are required to:
 - ~~(1) Submit a mounted color photo survey of both block faces within 300 linear feet of frontage from the subject site, identifying street addresses, clearly showing architectural styles, dominant building~~~~

~~features, and massing, height, scale, colors and materials of existing buildings and structures;~~

- (2) ~~Provide a written statement and/or diagram(s) which indicates how the overall design of the project proposal provides architectural features compatible with the preferred character of the community and incorporates the design standards contained in the Golden Hill Design Criteria and Guidelines, filed in the Office of the City Clerk under Document No. RR-274598.~~

§158.0204 Process One Review

- (a) ~~The City Manager may approve, in accordance with Process One, any and all development that complies with the regulations contained in the Golden Hill Planned District Ordinance.~~
- (b) ~~Copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee within 10 working days of receipt by the City Manager.~~
- (c) ~~The decision of the City Manager shall be based on conformance with the regulations and the Purpose and Intent of the Golden Hill Planned District Ordinance, the Golden Hill Planned District Design Criteria and Guidelines as adopted by Council with this Planned District Ordinance and the studies referenced in Section 158.0201(a).~~
- (d) ~~The fee for this review shall be equivalent to that of a Plan Check Fee.~~

§158.0205 Exceptions

- (a) ~~The City Manager may approve, or deny, in accordance with Process Two, an exception from selected provisions of the Golden Hill Planned District, when the application is for one of the following:~~
- (1) ~~New construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from one of the following development regulations: 1) minimum required front, street, side or rear yards, 2) offsetting planes; 3) diagonal plan dimension; or 4) maximum lot coverage regulations. However, the City Manager shall require additional landscaping that may be feasibly placed on the site or parkway according to city-wide landscape standards, and/or other architectural features or improvements.~~
 - (2) ~~Minor facade improvements altering the front building facade of previously conforming structures which do not increase the building floor area and do not create above-grade pedestrian areas such as balconies.~~
 - (3) ~~Walls or fences which vary from the regulations of Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).~~
 - (4) ~~Sidewalks which vary from Section 158.0403.~~
- (b) ~~The City Manager may in no case approve or conditionally approve an exception when the application is for deviation from density, use, floor~~

~~area ratio, parking requirements, building height, landscaping, street design requirements as specified in Section 158.0301(e) of the Golden Hill Planned District, average size of units, or any development regulation for a designated historic structure.~~

~~(e) The Greater Golden Hill Community Planning Committee shall have the opportunity to provide advice to a City Manager on an application for an exception prior to the City Manager taking action on such exception. Copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee, or their successor, to provide an opportunity for the Committee to review, for a period not to exceed 30 days, the application and plans.~~

~~(d) The fee for an application for an exception shall be set forth in the Schedule of Fees.~~

~~(e) The City Manager shall review the proposed project for substantial conformance with the regulations and the Purpose and Intent of the Golden Hill Planned District. The City Manager may grant a deviation if the deviation is for the purpose of providing design flexibility resulting in a project which benefits surrounding properties and the community. The City Manager's decision may be appealed to a Hearing Officer in accordance with Land Development Code Section 112.0504.~~

§158.0206 Golden Hill Development Permit

~~(a) An application for a Golden Hill Development Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with~~

~~Process Three. The following projects shall be required to obtain a Golden Hill Development Permit:~~

- ~~(1) Projects where the gross commercial floor area of existing and proposed structures exceeds a floor area ratio of 1.0.~~
- ~~(2) Residential and mixed residential/ commercial projects which exceed the number of threshold dwelling units as indicated in Table 158-02A.~~

**Table 158-02A
Threshold Dwelling Units**

Zone	Threshold Units
GH-600	12
GH-1000	7
GH-1250	6
GH-1500	3
GH-2500	2
GH-3000	2
GH-CN and GH-CC	2

- ~~(3) Any project which deviates from the development regulations of the Golden Hill Planned District and is not eligible to obtain an exception described in Section 158.0205.~~
- ~~(4) Any project which does not conform with the Golden Hill Design Criteria and Guidelines.~~
- ~~(5) Projects deviating from the development regulations of the Golden Hill Planned District when such deviations are necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site so designated by the~~

~~Historical Resources Board. Such projects shall be subject to the following:~~

- ~~(A) Landscaping requirements (Land Development Code Chapter 14, Article 2, Division 4), Sidewalk Design Regulations (Section 158.0403 of the Golden Hill Planned District), and Parking Requirements (Land Development Code Chapter 14, Article 2, Division 5) shall be met in a manner which preserves the historic character of the building or site, including that of mature vegetation; and~~
- ~~(B) The proposed deviation shall be referred to the Historical Resources Board for recommendation on said exception; and,~~
- ~~(C) The Hearing Officer, in granting a deviation, shall make the following findings as well as those listed in Section 158.0206(d):~~
 - ~~(i) That the deviation is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site; and~~
 - ~~(ii) That the granting of a deviation will not be injurious to the community or detrimental to the public welfare.~~

- ~~(6) Previously conforming signs, deemed by the City Manager to have historical significance, to remain after the 15-year compliance regulation as stated in Section 158.0408(k).~~
- ~~(b) An application for a Golden Hill Development Permit, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).~~
- ~~(e) The Greater Golden Hill Community Planning Committee shall have the opportunity to provide advice to the Hearing Officer on the approval, conditional approval or denial of a Golden Hill Development Permit. Prior to the Hearing Officer taking action on any Golden Hill Development Permit, copies of the application and plans shall be forwarded to the Greater Golden Hill Community Planning Committee, or their successor, to provide an opportunity for the Committee to review, for a period not to exceed 30 days, the application and plans.~~
- ~~(d) A Golden Hill Development Permit may be approved if the following findings of fact are made:~~

 - ~~(1) The proposed project design meets the purpose and intent of the Golden Hill Planned District and will be compatible with the goals and objectives of the Golden Hill Community Plan (1988), the Progress Guide and General Plan of the City of San Diego, the Golden Hill Planned District Design Criteria and Guidelines as~~

- adopted by Council and the design studies listed in Section 158.0201(a); and,
- (2) ~~The proposed development will be compatible with existing and planned land uses on adjoining properties, will not constitute a disruptive element to the neighborhood or community, and will create architectural harmony with the preferred character of the neighborhood and community; and,~~
 - (3) ~~The proposed development, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and,~~
 - (4) ~~The proposed development complies with all other relevant regulations in the City of San Diego Municipal Code.~~
- (e) ~~A Golden Hill Development Permit shall not be approved if the project exceeds the density permitted by the Golden Hill Planned District.~~
 - (f) ~~In granting a Golden Hill Development Permit, conditions may be imposed as deemed necessary and desirable to protect the public health, safety and general welfare.~~
 - (g) ~~The written decision of the Hearing Officer shall include findings which shall cite specific facts relied upon in rendering the decision. The copy of the decision shall be mailed to the applicant and to the Golden Hill Community Planning Committee, or their successor. A copy of this written finding, together with all evidence presented to the Hearing~~

~~Officer including plans required elsewhere in the Golden Hill Planned District shall be filed with the office of the City Manager.~~

- (h) ~~The decision of the Hearing Officer on the Golden Hill Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.~~

§158.0207 Regulation for Historic and Architecturally Significant Structures

- (a) ~~Deviations from Building Code~~

~~Notwithstanding the provisions of the Golden Hill Planned District or any other provision of the Municipal Code, it shall be lawful in the Golden Hill Planned District to repair, remodel or restore any historic or architecturally significant buildings or structures so designated by the Historical Resources Board. Such repair, remodel or restoration shall be in the same manner and with the same kind or similar materials with which they were originally constructed, consistent with the California State Historic Building Code and the Secretary of the Interior's Standards for Rehabilitation (see Appendix F) to the Golden Hill Planned District. Such building(s) or structure(s) may be approved or denied in accordance with Process Two. The building(s) or structure(s) shall be safe and not hazardous to its occupants or the public. The City Manager shall require such repairs, modifications, and/or improvements to the building or structure necessary to preserve the architectural and historic character and meet adequate life and safety standards. Requirements of the City Manager may be appealed to a Hearing Officer in accordance with Land~~

~~Development Code Section 112.0504. Requirements of the City Manager concerning methods and materials or minor deviations to alleviate practical difficulties of construction may be appealed to the Board of Appeals and Advisors.~~

~~(b) Removal of Damaged Historic Structures~~

~~In the event any building or structure deemed by the Historical Resources Board to have architectural or historic significance is damaged by earthquake, fire, or act of God to such an extent that in the opinion of the City Manager it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for said removal, subject to Section 158.0201(e).~~

~~Article 8: Golden Hill Planned District~~

~~Division 3: Zoning~~

~~§158.0301 Residential Zones~~

~~The intent of the residential zone regulations is to provide for the development and redevelopment of multi-family residential structures within the Golden Hill community which relate in scale and design to the preferred neighborhood character. Standards are designed to promote development that will complement and preserve the diverse and distinctive architectural character of the community.~~

~~(a) Permitted Uses~~

~~No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot~~

~~or premises be used except for one or more of the following purposes as provided herein:~~

- ~~(1) Residential development in accordance with the density levels as described in Section 158.0301(b)(1) and the regulations of the Golden Hill Planned District.~~
- ~~(2) Schools, limited to primary, elementary, junior high, and senior high in accordance with Section 141.0407, and child care centers in accordance with Section 141.0606.~~
- ~~(3) Public parks and public playgrounds.~~
- ~~(4) Churches, temples, or buildings of a permanent nature used primarily for religious purposes in accordance with Section 141.0602.~~
- ~~(5) Temporary real estate sales offices and model homes in new subdivisions, subject to the limitations as set forth in Land Development Code Section 141.0701.~~
- ~~(6) In addition to the uses listed in Section 158.0301(a)(1)-(5), the following uses shall be permitted in the GH-1000 and GH-600 zones:
 - ~~(A) Branch public libraries.~~
 - ~~(B) Institutions or homes for the full-time care of not more than 15 children under the age of 16 years, provided there is not more than one additional dwelling unit on the same~~~~

~~premises. Such use is subject to County or State licensing, whichever applies.~~

- ~~(C) Offices for psychologists, social workers, religious practitioners, doctors, and dentists, provided that no overnight patients are permitted; and, further provided that not more than 2 such professional persons, and not more than 3 employees of each, shall be engaged in such work on the premises.~~

~~Such lot or parcel may not be used by one or more practitioners who, among them, medically treat, or medically or psychologically counsel, on a group or individual basis, 5 or more persons in one calendar year who have committed, been charged by criminal indictment or complaint, or convicted of, a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5 or in Section 314 Chapter 8, or any amendment for remedification, or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, except that such use is permitted by organizations described in Land Development Code Section 141.0702(a). This restriction applies only to medical and counseling services~~

~~which are directly related to physical or psychological treatment for the sex-related offenses committed and described in the above California Penal Code sections.~~

~~(7) Accessory uses customarily incidental to any of the foregoing permitted uses, including the following: Recreational and health facilities which are designed and used solely by the residents and their guests, including tennis courts, putting greens, exercise rooms, and sauna and steam baths.~~

~~(8) Accessory Use Regulations~~

~~(A) 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. No signs, displays, or advertising relating to accessory uses shall be visible from any street.~~

~~(B) The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than 10 percent of the gross floor area occupied by the principal permitted uses.~~

~~(9) For properties in any residential zone, any other uses, including accessory uses, which the Planning Commission may find, in~~

~~accordance with Process Four, to be similar in character to the uses enumerated herein for such zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.~~

(b) ~~Property Development Regulations~~

(1) ~~Residential Density~~

~~The number of dwelling units permitted on any lot shall be determined by dividing the area of the lot by the number of square feet required for each dwelling unit as shown in Table 158-03A. If the quotient exceeds a whole number by 0.50 or more, the number of dwelling units may be increased to the next larger whole number.~~

~~The land area requirement for one *dwelling unit* in any residential zone shall be as follows:~~

**Table 158-03A
Residential Density**

Zone	Required Sq. Ft. of Lot Area per Dwelling Unit
GH-600	600
GH-1000	1000
GH-1250	1250
GH-1500	1500
GH-2500	2500
GH-3000	3000

(2) ~~Yard and Setback Requirements~~

(A) ~~Minimum Size of Street Yard. A street yard shall be provided at a minimum area calculated by multiplying the~~

street frontage of the lot along the front property line by "X" feet as shown in Table 158-03B. For corner lots, the street yard shall be calculated by multiplying the average length of all street frontages by "X" feet shown in Table 158-03B.

**Table 158-03B
Minimum Street Yard**

Zone	"X" Feet
GH 600, GH 1000, GH 1250	20
GH 1500, GH 2500, GH 3000	25

In all residential zones, the required street yard shall not be measured beyond the front 70 feet or 50 percent of the lot depth, whichever is less, as measured from the front property line.

(B) **Minimum Yards.** The minimum yard requirements for properties in the respective GH zones are shown in Table 158-03C.

**Table 158-03C
Minimum Yards**

Yard Location	GH 600, GH 1000, GH 1250	GH 1500	GH 2500, GH 3000
Front	10 ⁽¹⁾⁽²⁾	10 ⁽¹⁾	10 ⁽¹⁾
Street Side	6	8	8
Interior Side	6 ⁽³⁾⁽⁴⁾	6 ⁽³⁾⁽⁴⁾	6 ⁽³⁾⁽⁴⁾
Rear	1, if alley ⁽⁵⁾ ; 15, if no alley	1, if alley ⁽⁵⁾ ; 15, if no alley	1, if alley ⁽⁵⁾ ; 15, if no alley

Footnotes for Table 158-03C

¹ **Front Yard Exception.** Structures may observe the average front yard of the block when the average is less than 10 feet.

- 2 ~~Setback—Front Yard. Each story (or portion of a story) above the second shall be set back an additional 7 feet from the requirement for the story below it. This area may be used as a balcony, provided the safety railings are a minimum of 50 percent open.~~
- 3 ~~Setback—Side Yards. Each story (or portion of a story) above the second shall be set back an additional three feet from the requirement for the story below it.~~
- 4 ~~Interior Side Yard Exception. On lots less than or equal to 50 feet in width, each interior side yard shall be calculated as 10 percent of the lot width, not to be less than 4 feet.~~
- 5 ~~Rear Yard. Each story (or portion of a story) above the second shall be set back 7 feet from the requirement for the story below it. This area may be used as a balcony, provided the safety railings are a minimum of 50 percent open.~~

(3) **Height Limits**

**Table 158-03D
Height Limitations**

Zone	Height Limitation⁽⁺⁾
GH-600	40 ft, 50 ft where a building is above enclosed parking
GH-1000, GH-1250	30 ft; 40 ft where a building is above enclosed parking
GH-1500, GH-2500, GH-3000	30 ft

Footnote for Table 158-03D

- + Twenty percent of the length of the building facade may exceed the height limit specified above in order to provide roofline and facade variations, accents, tower elements and other similar elements which do not increase the floor area of the structure.

- (4) **Floor Area Ratio (FAR) and Coverage.** The maximum FAR and coverage shall be as indicated in Table 158-03E.

**Table 158-03E
Floor Area Ratio (FAR) and Coverage**

ZONE	Maximum FAR⁽⁺⁾	Maximum Coverage⁽⁺⁾
GH-600	1.25	40%
GH-1000	1.00	40%
GH-1250	0.70	40%
GH-1500	0.60	35%
GH-2500	0.45	35%
GH-3000	0.45	35%

Footnotes Table 158-03E

- ¹ ~~Projects located within the Historic District are permitted a maximum FAR of 0.75.~~
- ² ~~Projects located within the Historic District are permitted a maximum coverage of 40 percent.~~
 - (A) ~~Enclosed parking as defined in Section 158.0104 is not included in the calculation of FAR and coverage.~~
 - (B) ~~Except in the GH-3000 and GH-2500 zones, for any project with a density of less than or equal to one dwelling unit per 1,000 square feet of lot area, a FAR bonus shall be provided equivalent to 50 percent of the area of enclosed parking and shall be excluded from the coverage calculation.~~
 - (C) ~~For any project with a density greater than one dwelling unit per 1,000 square feet of lot area, a FAR bonus shall be provided equivalent to 25 percent of the area of enclosed parking and shall be excluded from the coverage calculation.~~
- (5) ~~Minimum Average Unit Floor Area~~
 - (A) ~~Minimum Average Size per Unit Type. Residential development shall average no less than the minimum habitable floor areas per dwelling unit, excluding garages and preexisting dwellings, as indicated in Table 158-03F.~~

**Table 158-03F
Minimum Average Size per Unit Type**

Unit	Minimum Average Unit Floor Area
Studio	450 sq.ft.
One-bedroom	600 sq.ft.
Two +bedroom	800 sq.ft.

~~(B) Minimum Average Unit Size per Project. Residential developments shall also average no less than 700 square feet of habitable floor area per dwelling unit, excluding garages and preexisting dwellings.~~

~~(6) Corner Lots~~

~~For visibility reasons, structures over three feet in height may not be located within the triangular areas established by Sections 158.0301(b)(6)(A) and (B).~~

~~(A) The street intersection corner of the lot and the points on the street property lines which are 25 feet from the intersection corner; and~~

~~(B) The street side rear corner of the lot and the points on the rear property line, adjacent to an alley, that are 10 feet from the street side rear corner.~~

~~(7) Diagonal Plan Dimension~~

~~The Diagonal Plan Dimension regulation shall be used for structures containing dwelling units in all residential projects, except for those on lots equal to or less than 50 feet in width. The maximum diagonal plan dimension shall be measured between the~~

two most extreme points on the floor of the structure containing the most gross floor area (see Figure 1 in the Appendix). For lots where the depth is two and one-half or more times the width (see Figure 2 in the Appendix), the maximum diagonal plan dimension shall be measured between the first extreme building corner to the point of the first building modulation along the length of the building with subsequent measurements allowed between modulations. The modulations shall have a minimum three-foot differential and shall extend for a minimum of six feet in length.

Maximum Dimension. The maximum diagonal plan dimension shall not exceed the numerical figure obtained from the percentage of the lot frontage as indicated in Table 158-03G.

**Table 158-03G
Maximum Diagonal Plan Dimension**

Street Frontage of Lot (along front property line)	Maximum Diagonal Plan Dimension
50 ft. or less	No maximum
Over 50 ft., but not more than 100 ft.	100% of street frontage
Over 100 ft., but not more than 200 ft.	85% of street frontage
Over 200 ft., but not more than 300 ft.	70% of street frontage
More than 300 ft	Subject to a Golden Hill Development Permit

(8) Single Family Scale Requirement

Development in the GH-1500, GH-2500 and GH-3000 zones which results in 2 or more units on a parcel (including existing units) shall comply with the following design requirements:

- (A) ~~The building(s) on the premises must be single family in scale and character as viewed from the street elevation(s), as determined by the City Manager.~~
- (B) ~~The building(s) on the premises shall not be greater than two stories in height when viewed from any street elevation of the property unless it meets the following criteria: the third story is present only within the rear 50 percent of the lot. If the lot is a corner parcel, the third story may not encroach into the street side 50 percent of the lot.~~
- (C) ~~An exception to 158.0301(b)(8)(B) above may be considered through the Golden Hill Development Permit process.~~

(9) ~~Pedestrian Access~~

~~For each legal building site, one separate entry per 50 linear feet of street frontage shall be provided from the street into or through the residential use area.~~

(e) ~~Design Requirements~~

- (1) ~~In all GH Residential Zones, in addition to the criteria included in the Design Criteria and Guidelines, each residential building shall be designed in accordance with the following provisions:~~
 - (A) ~~Windows shall maintain a consistent design character throughout the project and shall be of the same material on~~

~~all elevations facing a street and for the front 30 percent of the interior side elevation(s).~~

~~(B) Silver aluminum window frames shall not be permitted on any window.~~

~~(C) There shall be no more than two types of wall siding materials used throughout a project.~~

~~(2) In addition to the above standards, each residential building shall include architectural features, all to be chosen from only one of the following lists: (A) Victorian Style, (B) Craftsman/Bungalow Style, (C) Spanish Style, or (D) Contemporary Style, as required by each list. If a project contains more than one residential building, all buildings are to contain features from the same list. All accessory buildings on the premises are to include similar architectural features as the residential structure(s).~~

~~(A) Victorian Style~~

~~(i) The following three features are mandatory.~~

- ~~o Horizontal wood siding or shake shingles on all elevations facing a street.~~
- ~~o Narrow vertical windows with lintels, jambs and sills surrounding the windows. Sills are to be built out a minimum of 3 inches from the outside face of the window sash.~~

- ~~Covered entry area with a gable or dormer.~~
~~Entry area to be a minimum of 24 square feet in area if it serves one or two entrance doors and 10 square feet per entrance door if it serves more than two.~~

(ii) ~~Choose three of the following features:~~

- ~~Crafted lath ventwork at gables and dormers.~~
- ~~Widow's walk or cresting (wood or metal).~~
- ~~Turrets or eucolas.~~
- ~~Special window shapes and types on 20 percent of all windows facing a street; bays, half round, elliptical gothic, oval or Palladian shapes, quatrefoils, bull's eyes, and stained glass (geometric, lattice or opalescent).~~
- ~~Scalloped shingles in an amount typical with the Victorian style.~~
- ~~Crafted open stickwork supports for the entry element.~~

(B) ~~Craftsman/Bungalow Style~~

(i) ~~The following four features are mandatory.~~

- ~~Front entry element with elephantine or craftsman style support columns. Entry area to be 24 square feet in area if it serves one or two entrance doors and 10 square feet per entrance door if it serves more than two.~~
- ~~All windows are to be vertical sliding or fixed and all trim is to be of wood. All windows are to have a wood sill projecting at least 3 inches beyond the sash.~~
- ~~Exposed beams/rafters on overhanging eaves with articulated rafter ends.~~
- ~~Exterior material to be of stucco, horizontal siding, shake, brick or stone.~~

(ii) Choose two of the following:

- ~~Projecting brackets or corbels on all exposed beams and rafters.~~
- ~~A minimum of one operable chimney, faced in brick or cobble rock, for every three dwelling units.~~
- ~~Entrance doors with transom panels and/or side lights (singular rectangular panes or multi-mullion panes).~~

- ~~Windows with transom panels (singular rectangular panes or multi-mullion panes) on a minimum of 40 percent of all windows facing a street.~~
- ~~A projecting pergola, at least 24 square feet in area.~~

(C) ~~Spanish Style~~

- (i) ~~The following two features are mandatory:~~
 - ~~Use of stucco for the exterior material.~~
 - ~~Parapet with entablature or tile roof covering the eaves, overhangs, and entry elements.~~
- (ii) ~~Choose four of the following:~~
 - ~~Crafted wood or wrought iron detailing for porches and/or balconies.~~
 - ~~Exposed beams/rafters on eaves.~~
 - ~~Drain tile attic vents on at least one elevation facing a street.~~
 - ~~Arched wing wall (plain or molded) on at least one elevation facing a street. (This feature may encroach into the interior side or rear yard.)~~
 - ~~Decorative plaster or tile trim around windows and entries facing a street.~~

- ~~Entry supports of stucco, wood or iron articulated columns.~~
- ~~A minimum of 20 percent of all windows, doors and entries facing a street to be arched.~~
- ~~Entry element continued through all stories (applies only to structures over one story in height).~~

(D) ~~Contemporary Style.~~

(i) ~~This feature is mandatory~~

- ~~Exterior material is to be stucco, horizontal siding, shake, brick or stone.~~

(ii) ~~Choose six of the following:~~

- ~~Multiple pitched roofs with a minimum 18 inch overhang or a flat or low hipped roof with overhanging eaves (real or suggested cantilever).~~
- ~~Large plain rectangular windows, grouped in bands with shared/continuous projecting window sills on all elevations facing a street and on at least the front 30 percent of the interior side elevations.~~

- ~~Use of colored or leaded glass on at least one window band on at least one elevation facing a street.~~
- ~~Wood window frames on all windows.~~
- ~~A minimum of 50 percent of all windows on all street elevations to be recessed at least two inches.~~
- ~~A minimum of one clerestory window for every two dwelling units.~~
- ~~Beltecourse matching frieze at each story level on each elevation facing a street and on at least the front 30 percent of the interior side elevations.~~
- ~~Wide projecting molding (minimum of four inches fascia) on the frieze.~~
- ~~Projecting roofed entry porch with piers for support columns. Porch to be a minimum of 24 square feet if it serves one or two entrance doors and 10 square feet per entrance door if it serves more than two.~~
- ~~Triangular or arched porch entry.~~

- ~~Porteocoche or wing wall, articulating the driveway. (This element may encroach into an interior side or rear yard.)~~
- ~~A projecting pergola, a minimum of 24 square feet in area.~~
- ~~A minimum of one operable fireplace for every two dwelling units.~~

(E) ~~The following roof shapes and roof materials are to be used for Styles (A), (B), (C) and (D), above.~~

- (i) ~~Victorian Style. Shape: Medium or high gable or hip with a minimum of three distinct rooflines on all elevations facing a street. Materials: shake, slate or shingle.~~
- (ii) ~~Craftsman/Bungalow Style. Shape: Broadly pitched hipped or gabled roof. A minimum of two overhanging gables are required on all elevations facing a street. Materials: Shingle or shake.~~
- (iii) ~~Spanish Style. Shape: Flat with articulated parapet, espadana, false front, or sloped with plain or projecting eaves. Materials: Flat portion to be built-up roofing or its equivalent. Sloped portion to be concrete or clay tile.~~

~~(iv) Contemporary Style. Shape: Flat or sloped.~~

~~Materials: Flat portion to be built-up roofing or its equivalent. Sloped portion to be concrete or clay tile, shingle or slate.~~

~~(d) Exception. Except in the Golden Hill Historic District, in those cases where an existing legal lot or parcel contains only one dwelling unit, the development regulations of the RS-1-7 zone (Land Development Code Sections 131.0431 through 131.0446) may be used. In all cases, however, the Landscape Regulations for multi-family development apply.~~

~~(e) Other Regulations~~

~~The Special Regulations and Design Requirements (Section 158.0303), Sidewalk Design Regulations (Section 158.0403) and Parking Regulations (Section 158.0404(a)) also serve to regulate development, as do the provisions of the Land Development Code referenced in Section 158.0103.~~

Table 158-03H
Maximum Diagonal Plane Dimension
(Plane of floor with largest square footage)

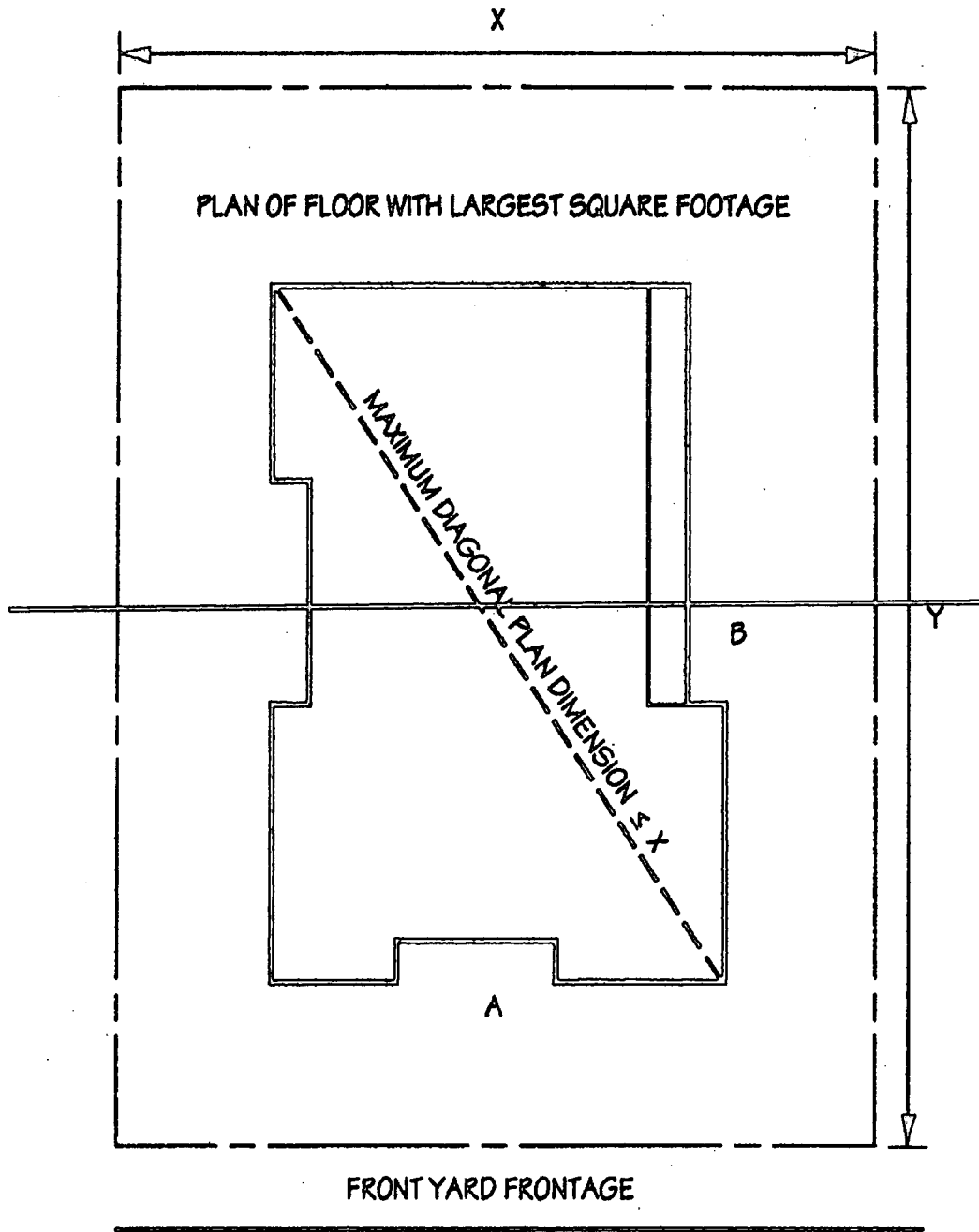
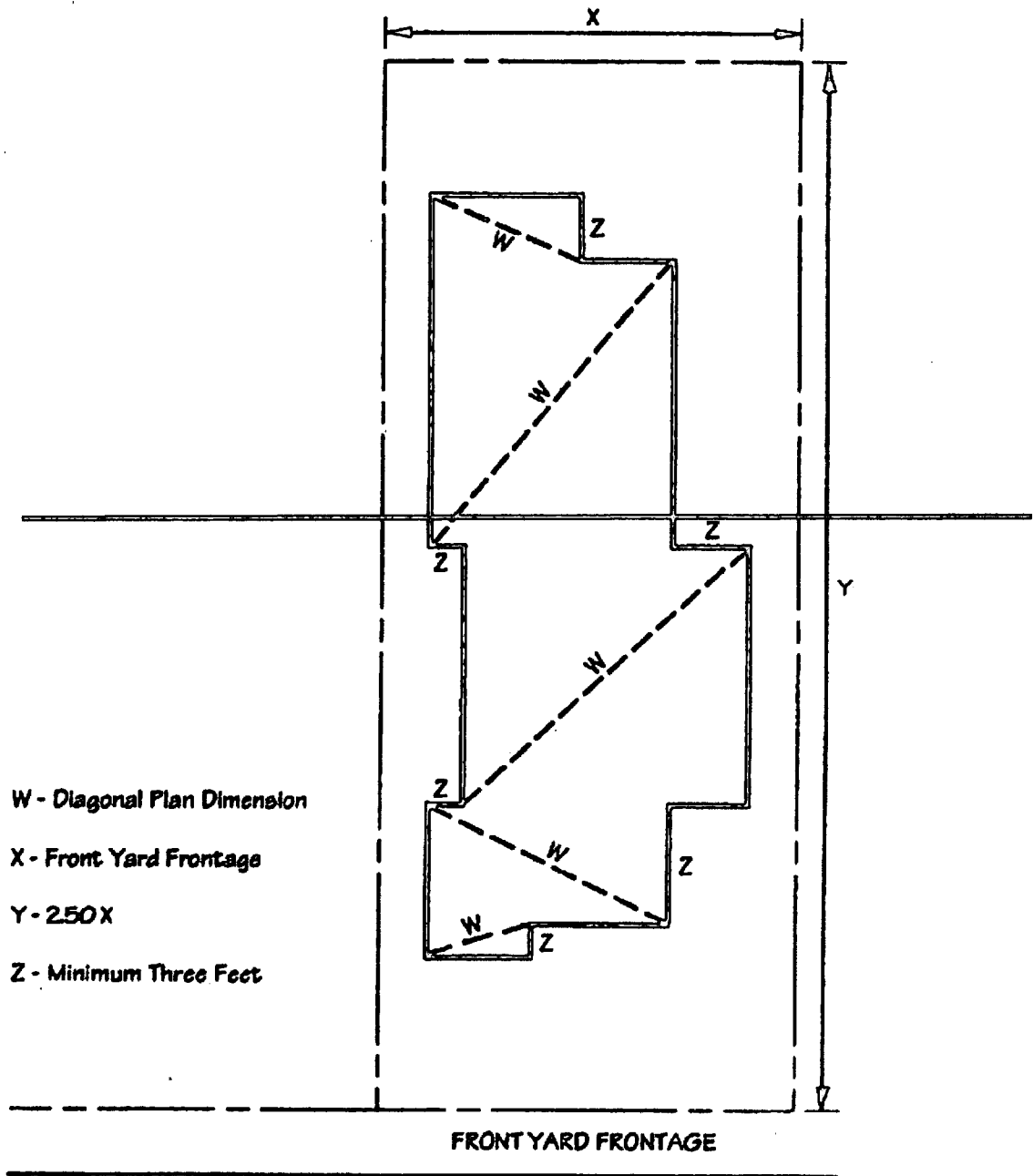


Table 158-03I
Maximum Diagonal Plane Dimension
(For lots where the depth is 2 and 1/2 or more times the width)



§158.0302 Commercial Zones (GH-CN and GH-CC)

(a) — Permitted Uses:

No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premise be used except as set forth in Table 158-02H. No use may be conducted outdoors except as indicated by footnote 6. Drive thru facilities for any business are prohibited.

Table 158-02H
Permitted Uses Table for Commercial Zones

Legend for Table 158.02H

"P" – Permitted

" – Not Permitted

Permitted Uses	GH-CN	CH-CC
Antique Shops	P	P
Apparel Stores	P	P
Art Stores and Galleries	-	P
Auto Parts and Accessories No Service or Installation	P	-
Auto Repair	-	P ⁽¹⁾
Bakeries	P	P
Banks, including Branch Banks, and other similar conventional financial institution, excluding check cashing and money exchanging uses or facilities	P	P
Barbers and Beauty Shops	P	P
Bicycle Shops	P	P
Book Stores, excluding Adult Bookstores as defined in Land Development Code Section 113.0103	P	P
Business and professional office uses (not including hiring halls). (Such uses may include accountants, advertising agencies, architects, attorneys, chiropractors, contractors, doctors, engineers, financial institutions, insurance agencies, medical clinics, (no overnight patients), photographers, physical therapists licensed by the State of California, real estate brokers, secretarial and phone answering services, securities brokers, surveyors and graphic artists.)	P ⁽²⁾	P ⁽²⁾
Cocktail lounges and similar establishments	-	P
Computer Stores	-	P
Confectioneries	P	P
Day Care Centers licensed by the County and/or State, whichever applies	P	P
Delicatessens	P	P
Drug Stores	P ⁽³⁾	P
Dry Cleaning and Laundry Establishments and self service laundry establishments (no truck Delivery of finished cleaning)	P	P
Florists	P ⁽⁶⁾	P ⁽⁶⁾
Food Stores	P ⁽³⁾	P
Gift Shops	P	P
Gymnasiums and Health Studios	-	P

Permitted Uses	GH-CN	GH-CC
Hardware Stores	-	P ⁽⁴⁾
Hobby Shops	P	P
Holistic Health Practitioners	P	P
Interior Decorators	P	P
Jewelry Stores	P	P
Liquor Stores	-	P
Music Stores	P	P
Nurseries—Plants	P ⁽⁶⁾	P ⁽⁶⁾
Office Supply Store	-	P
Photographic Studios and Retail Outlets	P	P
Printing, Graphics and Copy Shops	-	P
Radio, Television and Home Appliance Repair Shops	-	P ⁽⁵⁾
Private Postal Service	-	P
Residential development in accordance with the density levels as described in Section 158.0302(e)(1) and (2) and any other applicable regulations of this Planned District Ordinance.	P	P
Residential Development in accordance with the guidelines established herein	P	P
Restaurants	P ⁽⁶⁾⁽⁷⁾	P ⁽⁶⁾
Shoe Stores and Shoe Repair Shops	P	P
Stationeries	P	P
Studios for the Teaching of Art, Dancing and Music	P	P
Toy Stores	-	P
Bushearts, Subject to the Provisions of the Land Development Code Section 141.0619	P	P
Travel Bureaus	-	P
Variety Stores	P	P
Video Sales and Rental, excluding Adult Videos and Arcade Games	-	P
Any other uses which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this Section and consistent with the purpose and intent of this Ordinance. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.	P	P
Accessory uses to be appropriate in character and placement in relationship to a primary use. Such uses not to exceed 10 percent of the gross floor area of the primary use.	P	P

Footnotes for Table 158-02H

- ¹ Newly established businesses and expansions to existing businesses are to conform with the regulations specified in Section 158.0302(b) and 158.0302(e)(3-9) as well as the regulations for the GH-CC zone.
- ² Such lot or parcel may not be used by one or more practitioners who among them, medically treat, or medically or psychologically counsel, on a group or individual basis, 5 or more persons in one calendar year who have committed, been charged by criminal indictment or complaint or convicted of a sex-related offense outside the family unit as defined in the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification or any such sections, if such lot or parcel is located within 1,000 feet of any premises occupied by an elementary, junior, or senior high school, except that such use is permitted by organizations described in Land Development Code Section 141.0702(a). This restriction applies only to medical and counseling services which are directly related to physical or psychological treatment for the sex-related offenses

~~committed and described in the above California Penal Code sections. Court ordered forensic evaluations are exempt services.~~

3 ~~No more than 10 percent of the gross floor area is to be utilized for the display of alcoholic beverages.~~

4 ~~Excluding the sale of used building materials, used appliances and used plumbing supplies.~~

5 ~~All repair work and storage of equipment is to be within an entirely enclosed building.~~

6 ~~This use may be conducted outdoors.~~

7 ~~Excluding the sale of all intoxicating beverages except beer and wine.~~

(b) ~~Additional Use Regulations~~

(1) ~~All uses except off-street parking, sidewalk cafes, signs and the storage and display of nursery plants shall be operated entirely within enclosed buildings.~~

(2) ~~Within the GH-CN zone, no permitted use shall commence operating prior to 6:00 a.m. nor continue later than 2:00 a.m.~~

(3) ~~No commercial establishment shall be constructed, expanded or converted to provide a drive-through facility.~~

(4) ~~Automobile Repair Shop Requirements. The following regulations shall be applicable to newly established auto repair shops and existing auto repair shops that are adding gross floor area or service bays to the establishment except noneonforming businesses:~~

(A) ~~All repair work is to be conducted within an entirely enclosed building. The doors to the new service bays are not to face a street unless they are with a minimum 5-foot landscaped strip between the wall and the property line adjacent to the street.~~

- ~~(B) Access to the establishment is to be off an alley, where available and feasible.~~
 - ~~(C) No outdoor storage of supplies or equipment is permitted.~~
 - ~~(D) Open parking areas are to be screened from the public right of way with a minimum 4-foot high block wall. The area between the wall and the property line is to be landscaped. If the wall is located on the property line, the wall is to be a raised planter, at least 4 feet in height (planted with landscape material).~~
 - ~~(E) The landscape point totals are to equal 1.5 times those required by the City-wide Landscape Ordinance.~~
- (e) ~~Property Development Regulations~~
- ~~(1) Density. The maximum dwelling unit density for most properties is one unit for every 1,500 square feet of lot area. The two parcels with the following legal descriptions: 1) Lots 45 through 48, Block 6, Breed and Chases Subdivision; and 2) Lots 7 through 9, Block 4, Bartlett Estate Co. Subdivision, may develop at a density level of one unit per 1,000 square feet of lot area.~~
 - ~~(2) Residential Development. Residential development may only be developed in conjunction with commercial development and may only be developed on floors above the first.~~
 - ~~(3) Minimum Commercial Area. A minimum square footage of the ground floor shall be reserved for exclusive commercial use. Said~~

~~square footage to be calculated by multiplying the property's street frontage along the front property line by 20. For corner lots, the minimum commercial square footage on the ground floor shall be calculated by multiplying the average length of all street frontages by 20.~~

~~(4) Yard and Setback Requirements. Commercial and Mixed Commercial/Residential Development.~~

- ~~(A) No minimum front, street side, side, or rear yards are required for the commercial portions of the structure unless the property abuts residentially zoned property, in which case, 6-foot side and rear yards shall be provided adjacent to that property. Each story above the second that is adjacent to residentially zoned property shall be setback an additional 3 feet.~~
- ~~(B) The residential portions of the structure shall conform to the yard requirements for the GH-1500 zone as described in Section 158.0301(b)(2).~~
- ~~(C) Subject to the issuance of an encroachment permit, balconies and window bays may encroach up to 4 feet into the right-of-way starting at no less than 12 feet above street level.~~

(5) **Height Limit**

- (A) The height limit in commercial zones shall be 30 feet.
- (B) Exception: 20 percent of the length of the building facade may exceed the 30-foot height limit in order to provide roofline and facade variations, accents, tower elements and other similar elements which do not increase the floor area of the structure.

(6) **Floor Area Ratio (FAR) and Coverage.**

- (A) The maximum permitted FAR for any commercial or mixed commercial/residential development shall be as indicated in Table 158-02I.
- (B) The minimum lot coverage shall be 35 percent.

**Table 158-02I
Maximum Permitted Floor Area Ratio (FAR)**

Zone	Commercial Zone Development	Mixed Commercial/Residential Development
GH-CN	0.75	1.75
GH-CC	1.00	2.00

(7) **Street Wall.** Commercial projects must meet one of the following requirements:

- (A) Unenclosed parking is to be located in the rear 50 percent of the parcel and if the parcel is a corner lot, unenclosed parking may not be located within 5 feet of the street side property line; or

~~(B) There shall be a building wall of at least 12 feet in height located within 5 feet of any street frontage property line, along not less than 65 percent of both the front and, if applicable, street side property lines, except as required for driveway access where no alternative access is available. The setback may be increased to 15 feet if a sidewalk cafe, public plaza, retail courtyard or arcade is provided for the exclusive use of pedestrians.~~

~~(i) Kiosks used for the selling of flowers are exempt from this provision.~~

~~(ii) Pushearts, established in conformance with Land Development Code Section 141.0619 are exempt from this provision.~~

~~(8) Residential Vehicular Access~~

~~(A) Where alley access exists, vehicular access for the residential units must be provided from the alley.~~

~~(B) Exception: This provision shall not apply where parking is being provided under the shared parking provision.~~

~~(9) Other Regulations~~

~~The Special Regulations and Design Requirements (Section 158.0303), the Sidewalk Design Regulations (Section 158.0403) and the Parking Regulations (Section 158.0404(a)) also serve to~~

regulate development, as do the provisions of the Land
Development Code referenced in Section 158.0103.

§158.0303 Special Regulations and Design Requirements

- (a) ~~Minimum Lot Area and Dimensions. For newly created lots, the minimum lot areas and dimensions (in linear feet) shall be as indicated Table 158-03J.~~

**Table 158-03J
Minimum Lot Areas and Dimension**

Zones	Lot Area (sq.ft.)	Street Frontage	Width Interior	Width Corner	Depth
All zones	5,000	50	50	55	100

- (b) ~~Maximum Number of Dwelling Units~~

~~In no case shall any project exceed the maximum number of dwelling units listed in Table 158-03K below unless the project is on a single lot which:~~

- (1) ~~Was created or consolidated, or for which an application has been submitted to the City to create a lot or consolidate lots, prior to November 29, 1989, the effective date of this ordinance; or~~
- (2) ~~Was created from a lot or lots which had a larger average square footage than the lot created.~~

**Table 158-03K
Maximum Number of Dwelling Units**

Zone	Maximum Units
GH-600	40
GH-1000	24
GH-1250	16
GH-1500	14

Zone	Maximum Units
GH-2500	5
GH-3000	4
GH-CN and GH-CC	14

(e) ~~Private Exterior Usable Area~~

- (1) ~~Private exterior usable areas shall be provided for residential and mixed residential/commercial projects. Such areas shall be adjacent to and accessible from selected dwelling units and shall be bounded by a minimum 36-inch high barrier. These areas shall be exclusive of public rights-of-way, shall have a minimum dimension of 5 feet and, in their entirety, shall have a natural or man-made gradient of 10 percent or less.~~
- (2) ~~Private exterior usable areas shall have a minimum size of 25 square feet, with a project average of 50 square feet per dwelling unit. At least 50 percent of all units in a development shall have private exterior usable area.~~

(d) ~~Offsetting Plane Requirement~~

- (1) ~~There shall be at least 3 separate building planes for each 50-foot length of building elevation facing a street. For each interior side building elevation, there shall be at least one and one-half separate building planes for each 50-foot length of building elevation. (If the quotient exceeds a whole number by 0.50 or more, the number of separate building plans is increased to the next whole number.)~~

(2) A separate building plane is distinguished by an average horizontal difference of three feet in depth, measured perpendicular to the subject plane, by 6 feet in width (see Figure 3 in Appendix). Building elements such as roofs with a minimum slope of 30 percent shall qualify as offsetting planes if they constitute the highest element of the structure. For sloped roofs, the average horizontal difference of three feet is measured to the midpoint of the slope. A covered porch, with minimum dimensions of 3 feet by 6 feet, shall qualify as offsetting planes.

(3) The proportions of the 3 building planes along each elevation shall meet the criteria as indicated in Table 158-03L.

**Table 158-03L
Offsetting Plane Requirements**

Zone	50 Foot Increment Minimum Area	Building Elevation Area Maximum Area
GH 600	20%	60%
GH 1000, GH 1250, GH 1500, GH 2500, GH 3000, GH CN CH CC	10%	50%

(e) **Transparency Requirement**

(1) In all residential projects, a minimum of 15 percent of each story's street wall shall be transparent (such as windows), affording views into living space.

- (2) ~~For all commercial or mixed-use projects, a minimum of 50 percent of street wall area at the ground floor level shall be transparent. This may include all types of non-reflective windows and openings, with a light transmittance factor no less than 75 percent. A minimum of 15 percent of each story's street wall, above the first, shall be transparent.~~
- (3) ~~No window or other transparency in a garage or other accessory structure shall qualify toward the minimum transparency requirement in any zone.~~

(f) ~~Variety of Street Walls~~

~~The street wall(s) of any project, defined by but not limited to the configuration of off-setting planes, transparencies and architectural features, shall not be substantially identical to the street wall(s) of any other project within a 600-foot radius.~~

(g) ~~Storage Facilities~~

~~A minimum of 100 cubic feet of secured storage space, accessible from a common circulation area or garage and not part of a habitable area shall be provided per dwelling unit.~~

~~Article 8: Golden Hill Planned District~~

~~Division 4: General and Supplemental Regulations~~

~~§158.0401 Landscaping Requirements~~

~~Prior to the use and occupancy of any premises, residential and commercial development shall conform to Land Development Code Chapter 14, Article 2,~~

~~Division 4 (Landscape Regulations). If a structure is remodeled or enlarged in which a building permit is required, the premises shall conform to Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). The GH Residential Zones shall conform with the regulations for the residential zones and the GH Commercial Zones shall conform with the regulations for the commercial zones.~~

§158.0402 Walls and Fences

- ~~(a) A solid wall or fence, not less than 6 feet in height shall be constructed along all portions of a commercially zoned premise that abuts residentially zoned property. For the portions abutting the required front yard of a residentially zoned parcel, the fence or wall shall be of 3-foot high solid material or a combination of 3-foot high solid material 50 percent open material on top.~~
- ~~(b) Chain link fencing or chicken wire material(s) shall not be permitted on the required front yard or street side yard.~~
- ~~(c) All other walls and fences shall conform to Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).~~

§158.0403 Sidewalk Design Regulations

- ~~(a) The design of sidewalks shall match the historic sidewalk pattern on the adjacent properties, including location, width, elevation, seaming pattern, color and material unless an alternative is approved through the procedure set forth in Section 158.0205 or Section 158.0206.~~

- (b) ~~If the adjacent properties of the proposed development do not have an historic sidewalk pattern, the following pattern shall be used: 60 inches in width with scoring 20 inches apart. Along the length of the sidewalk, there shall be scoring every 24 inches.~~

§158.0404 Parking

- (a) ~~Parking, curb cuts, and driveways shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).~~
- (b) ~~For any premise containing 4 or more dwelling units a minimum of 50 percent of the required residential off street parking spaces shall be enclosed, in either a garage attached to the occupied building(s) or a detached garage located on the premises.~~
- (c) ~~Parking spaces may not be located in any front, street side or interior side yard.~~
- (d) ~~For any premise adjacent to an alley, the parking or garage(s) shall be located off the alley. Where alleys do not exist, garages facing the street are permitted.~~
- (e) ~~When unenclosed above grade parking is permitted, the perimeter of each parking area shall be screened with a wall or fence or landscape materials at least 3 feet high measured from finished grade.~~

§158.0405 Lighting

~~Artificial light used to illuminate a premise shall be directed away from adjacent properties.~~

§158.0406 Screening of Equipment Regulations

~~No utility equipment, mechanical equipment, tank, duct, elevator enclosure, cooling tower or device, 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 and roofs with construction, materials, colors and appearance similar to that of the main building.~~

§158.0407 Off-street Loading Facilities

- ~~(a) Off-street loading facilities, having a minimum width of 12 feet, a minimum length of 35 feet and a vertical clearance of 14 feet shall be provided for all projects where the commercial portion exceeds a gross floor area of 10,000 or more square feet.~~
- ~~(b) Off-street loading areas shall not be located within the front, street side or street yard and shall be screened from the public right-of-way.~~
- ~~(c) Off-street loading areas shall not be used for parking.~~

§158.0408 Signs

~~Signs shall be in conformance with Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations) and Chapter 12, Article 9, Division 8 (Sign Permit Procedures), except that the following regulations apply in all commercial zones. Where there is a conflict between the Land Development Code and this section, this section applies.~~

- ~~(a) The total amount of commercial signs associated with business and professional office uses in residential zones or on historic sites shall not exceed 8 square feet in area. None are to be backlit.~~
- ~~(b) Wall signs and projecting signs as defined in Land Development Code Section 113.0103 are permitted, provided that no such sign shall project above the nearest parapet or eave of the building to which it is affixed or exceed a height of 12 feet, whichever is lower. Roof signs are prohibited.~~
- ~~(c) Wall or ground signs may be utilized to identify the uses of the premises, to offer the premises for sale, rent, or lease, to advertise products, services or events related to or provided by businesses, persons or organizations located on the premises, or to display public interest messages.~~
- ~~(d) One wall or ground sign, having a maximum area of 4 square feet, and designating the premises for sale, rent or lease shall be permitted for each street frontage.~~
- ~~(e) The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed one-half of a square foot for each linear foot of the street frontage of the property, not to exceed two frontages, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet.~~
- ~~(f) No sign shall exceed 100 square feet in total area.~~
- ~~(g) Paper signs shall be prohibited.~~
- ~~(h) Signs permitted herein, may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing light.~~

- (i) ~~Within the GH-CN zone, no sign shall be lighted prior to 6:00 a.m. or after 2:00 a.m.~~
- (j) ~~A previously conforming structure containing permitted uses is permitted the same wall signage as would be allowed if the building observed all current development standards.~~
- (k) ~~All signs not in compliance with these regulations shall be removed without compensation to the sign owner upon completion of a 15-year amortization period commencing on the effective date of ordinance O-17382 unless the sign is deemed historical by the City Manager and a Golden Hill Development Permit to remain is obtained.~~

~~**Article 8: Golden Hill Planned District
Appendix**~~

- Figure 1: ~~Maximum Diagonal Plane Dimension (Plane of floor with largest square footage)~~
- Figure 2: ~~Maximum Diagonal Plane Dimension (For lots where the depth is 2 and 1/2 or more times the width)~~
- Figure 3: ~~Offsetting Plane Requirement~~

Figure 1: Maximum Diagonal Plane Dimension (Plane of floor with largest square footage)

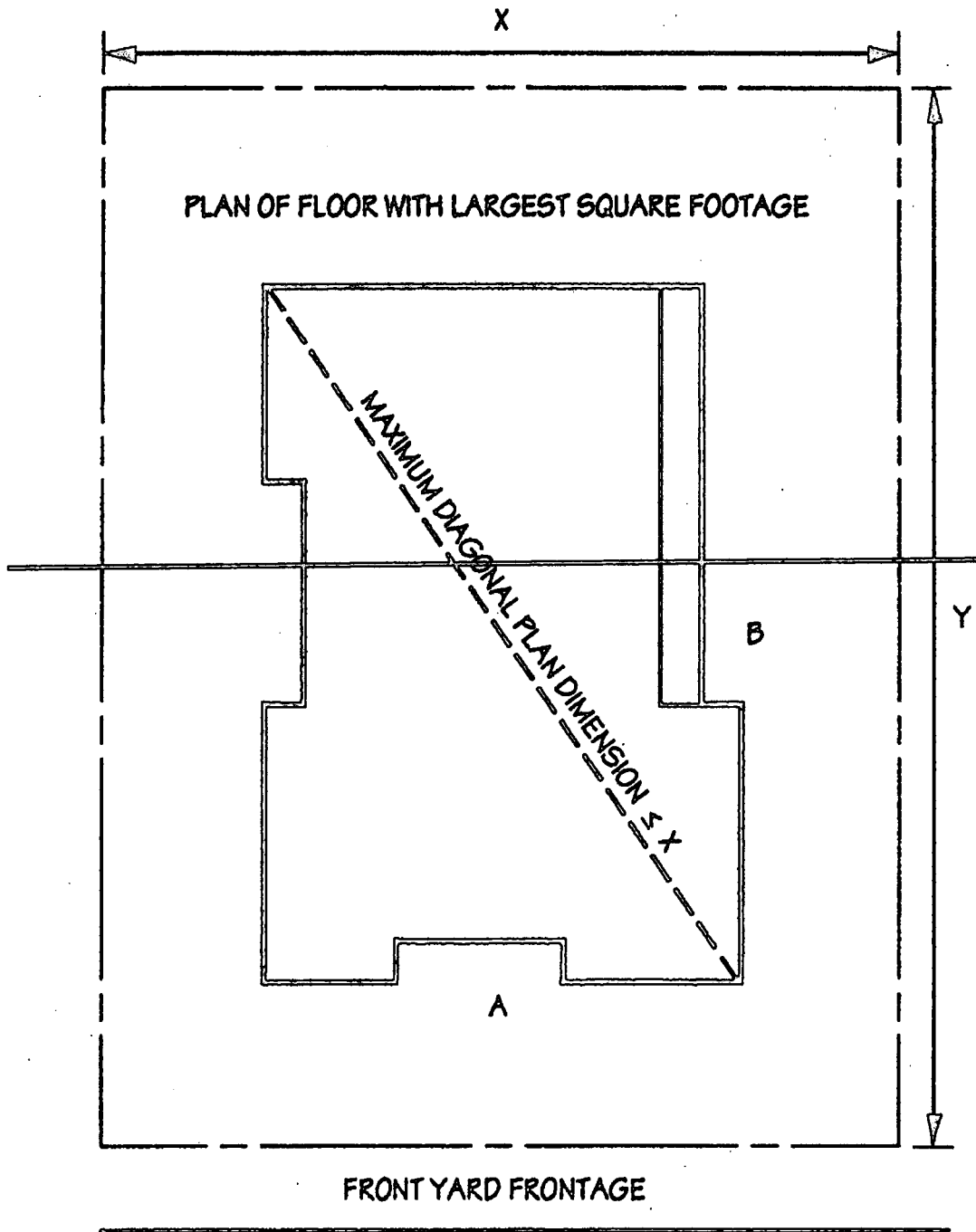
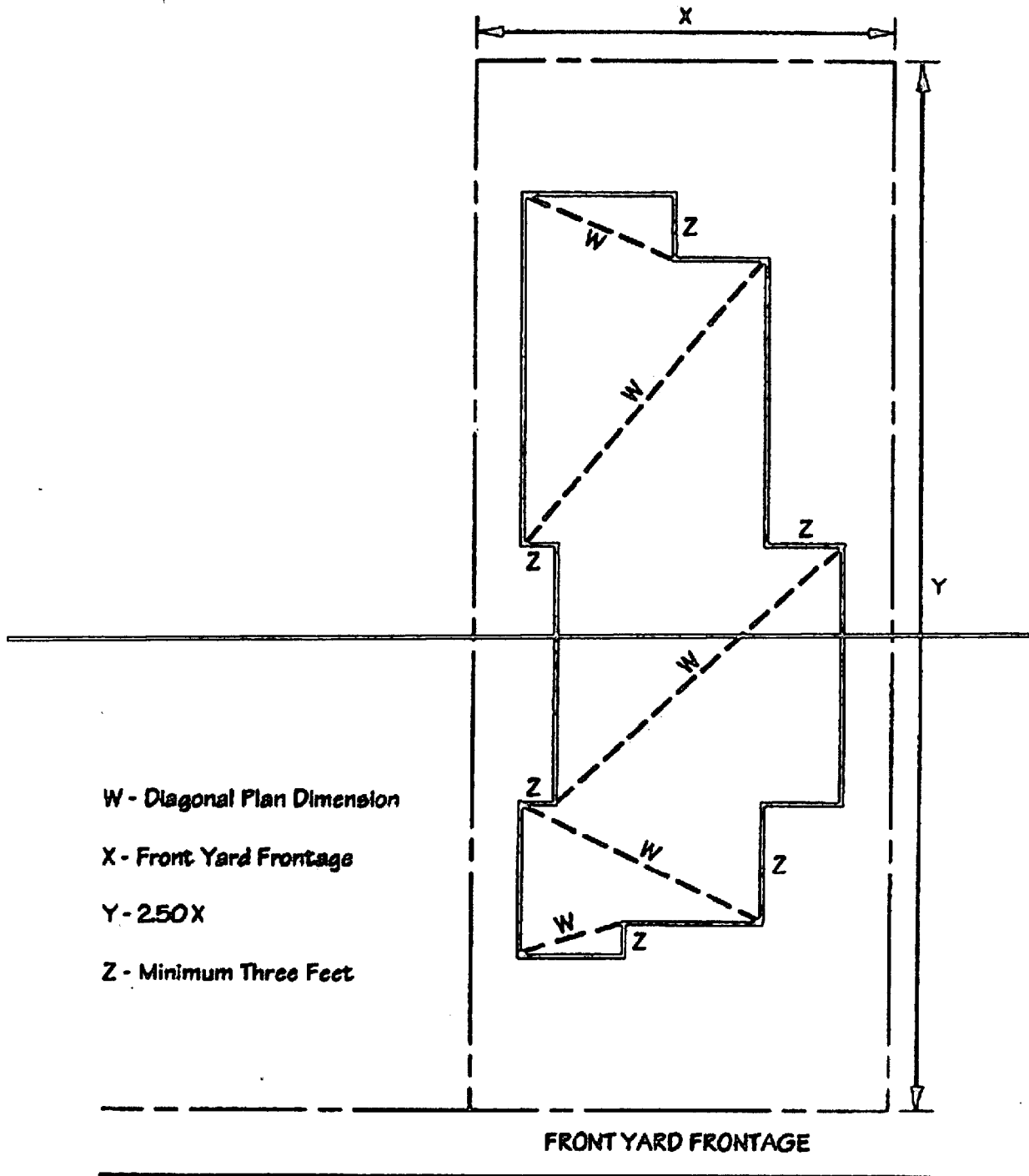
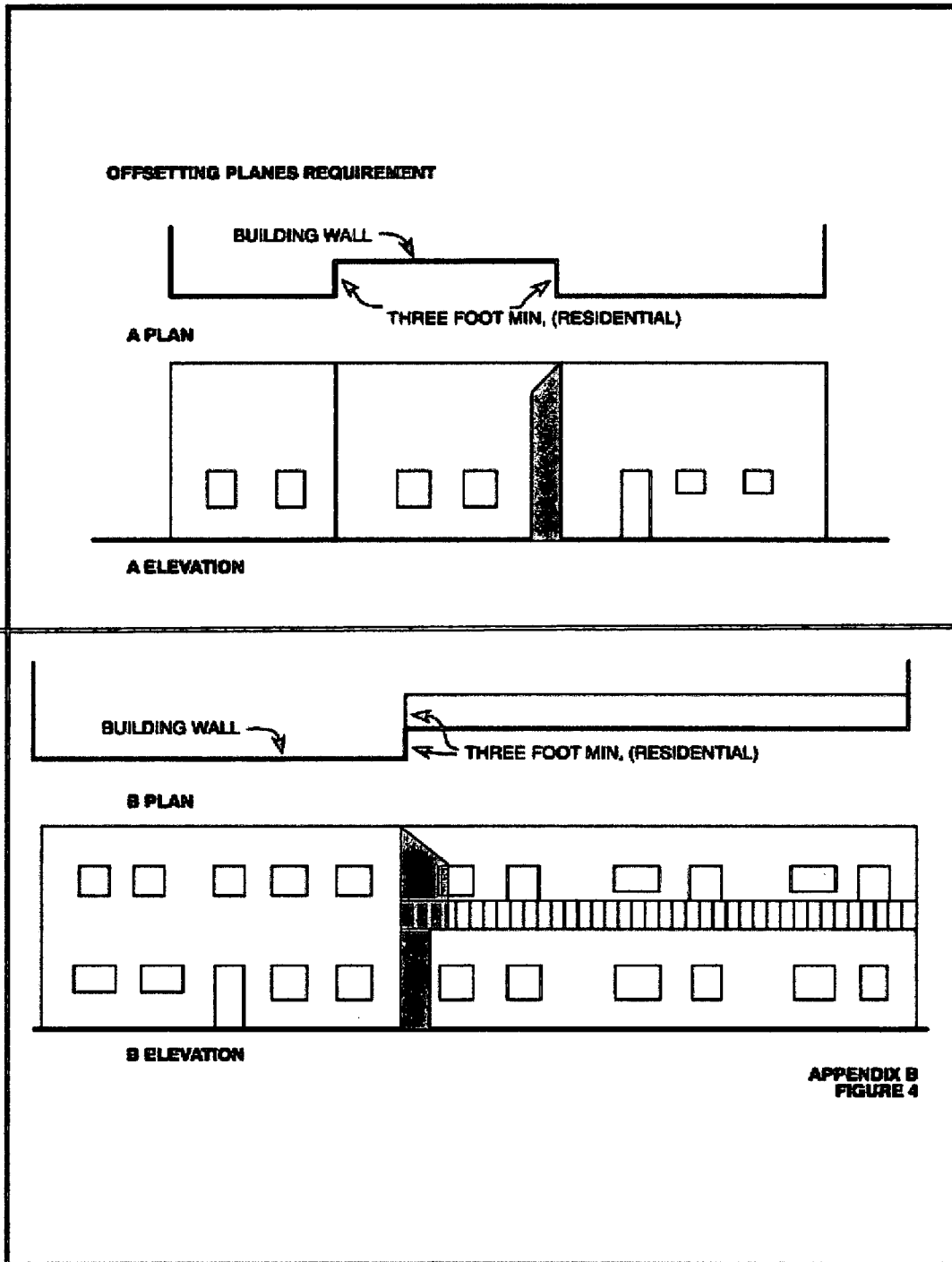


Figure 2: Maximum Diagonal Plane Dimension (For lots where the depth is 2 and 1/2 or more times the width)



Fig

Figure 3: Offsetting Plane Requirement



CLN:dkr
September 6, 2016
Or.Dept:DSD
Doc. No.: 1331251

Passed by the Council of The City of San Diego on NOV 15 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 25 2016, and on DEC 01 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>20756</u></p>
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