

**Article 10: La Jolla Shores Planned District**

*(“La Jolla Shores Planned District” added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**Division 2: Permits and Procedures**

*(“Permits and Procedures” added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**§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.

*(“Procedures for Permit Application and Review” added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**§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. (*“Previously Conforming Uses and Structures” added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.*)