

Article 9: La Jolla Planned District
*(“La Jolla Planned District” added 3-27-2007 by O-19595 N.S.;
effective 4-26-2007.)*

Division 2: Permits and Procedures
(“Permits and Procedures” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0201 Project Review Regulations

- (a) No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered, removed, demolished or enlarged, nor shall the use of any building or structure be changed (as defined in the La Jolla Planned District) nor shall the size of any such building or structure be increased; nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of the La Jolla Planned District. The Development Services Department shall not issue any permit for the erection, construction, conversion, establishment, alteration, removal, demolition or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any portion of the La Jolla Planned District until approval of such permit by the Development Services Director or designated representative has been obtained in compliance with the provisions of the La Jolla Planned District.
- (b) Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the City Manager to determine whether the structure in question merits designation as a historical resource consistent with the requirements of Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The City Manager shall make such determination within 10 working days of receipt of said application. If the City Manager does not make the determination within this specified period, the building or structure shall be deemed not to be a potential historical structure and shall be construed to have received City Manager approval for demolition or removal. If the City Manager finds evidence that a potential may exist for the site's designation as a historical resource, the permit application shall not be approved until the Historical Resources Board has evaluated and acted on the site's historical significance as required by Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures)

and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The Historical Resources Board shall hold a noticed hearing which may be continued to the next consecutive meeting, but in no case shall the Historical Resources Board review process exceed 90 calendar days. The Historical Resources Board shall make its decision based on a historical and architectural report consistent with the Board's guidelines including a detailed list of source material, and specific references, to be used to make the finding for site designation. The Board shall make findings as required by Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The decision of the Historical Resources Board shall be based on the following evidence which shall be provided in writing:

- (1) Evidence that establishes and documents the date and historic significance of the site or biographical information on the person(s) or event(s) associated with it.
 - (2) Evidence that establishes the date and architectural significance of the site, including biographical information on the architect or builder (if known).
- (c) If the Historical Resources Board acts affirmatively to designate a site, the site shall be subject to the requirements of Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (d) The provisions of Section 159.0201 shall not apply to the following:
- (1) Any building or structure found by the City Manager to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued; or
 - (2) Any permit approved as part of a discretionary development permit submitted, reviewed and approved in accordance with the La Jolla Planned District. Such development application shall include an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. If the property is found to have potential historical or architectural value, such report shall be reviewed by the Historical Resources Board for the purposes of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

- (3) Any demolition permit for sites or buildings which have been previously considered for designation by the City's Historical Resources Board.
- (e) The City shall not issue any permit for the demolition, alteration, reconstruction, or other change of any Existing Cultural Use Within Zone 6, or any portion thereof, until a Special Use Permit has been approved or conditionally approved by a Hearing Officer in accordance with the provisions of Section 159.0210 of the La Jolla Planned District.
- (f) Approval by a decisionmaker is not required for interior modifications or repairs. Approval of the City Manager is required for all exterior modifications including painting. All painting shall be in accordance with the color palette listings (see Appendix C).
- (g) Exceptions
 - (1) For that certain property located on the southeast corner of Girard Avenue and Wall Street, identified as Assessor's Parcel Nos. 350-181-01 and 02, located within the La Jolla Planned District Zone 1, which obtained coastal development permit approval prior to January 1, 1982, as amended, the following conditions shall apply:
 - (A) The maximum base floor area ratio, as specified in Section 159.0307(c), shall not exceed 2.0.
 - (B) Redevelopment of the property shall be consistent with the provisions of the La Jolla Planned District regarding office square footage (0.5 floor area ratio or 10,000 sq. ft., whichever is less), as specified in Section 159.0302(a)(2) and provided such use is located on the third floor of the building only, and further provided that additional office square footage shall be permitted for a bank or financial institution, as defined in Section 159.0110(w), not exceeding 3,500 sq. ft. if such use is located on the second floor of the building.
 - (2) All other provisions of the La Jolla Planned District shall apply.

(h) Public Facilities, Structures

All open spaces, streets, sidewalks, street furniture, street signs, street trees, lighting installations, and any incidental structures or monuments, shall conform to the intent of the La Jolla Planned District which is to preserve and maintain the scale and character of the community, and shall be subject to the same regulations, conditions and standards established herein.

(“Project Review Regulations” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0202 Application Procedures

An application for any permits referenced herein shall be made in accordance with Land Development Code Section 112.0102. Contents of the application shall include the following:

- (a) The purpose for which the proposed building, structure or improvement or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level or area.
- (b) A set of plans adequately dimensioned to judge compliance with the La Jolla Planned District and other applicable laws and regulations. Such plans shall:
 - (1) Indicate dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, floor area ratio, landscaping (including the size and species of existing and proposed landscaping, on-site and on the adjacent public right-of-way) and on surfaced or paved areas (existing and proposed, on-site and on the adjacent public right-of-way), off-street parking including identification of required employee parking areas, and traffic circulation. The plans shall include details of any proposals that will require an encroachment permit on the public right-of-way. For new buildings and new projects requiring substantial work, a detailed topographic map showing contours and elevations shall be included.
 - (2) Include the buildings and improvements showing the elevations, height, architectural detailing, roof designs, materials, colors, exterior treatments, two sample boards (8-1/2" x 11") for all colors and materials, detailed area calculations for all requirements of the La Jolla Planned District, and color photographs of all adjacent existing structures.

- (3) Include any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation.
- (c) A copy of the County Assessor's Parcel Tax Map for the subject property.
- (d) Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.
- (e) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.
- (f) Any changes to approved plans shall be resubmitted to the City Manager clearly indicating such change(s). Any construction performed that is not consistent with approved plans is subject to removal.
- (“Application Procedures” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)*

§159.0204 City Review

- (a) The City Manager is responsible for project review and approval, consistent with the La Jolla Planned District Ordinance. Projects that meet the regulations of the La Jolla Planned District and are not subject to a discretionary decision may be approved or denied, in accordance with Process One, upon completion of the City Manager’s review.
- (b) Improvements requiring encroachment permits, shall be reviewed by the City Manager, and may be approved or denied by the City Engineer in accordance with the regulations of the La Jolla Planned District upon receiving the City Manager’s recommendations.

(“City Review” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0205 Written Decision

Upon the granting of any variance, Special Use Permit, tentative, final or parcel map, or any other development permit, the City Manager shall file with the office of the City Clerk and when applicable, with the County Recorder of San Diego County, in accordance with Land Development Code Section 126.0107, a detailed set of specific written findings consistent with the La Jolla Planned District Section 159.0101 (Purpose and Intent) establishing the basis for the decision, and identifying the benefits and impacts to the community.

(“Written Decision” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0206 Encroachment Permit

Public improvements and encroachment permits shall be reviewed in accordance with Chapter 15 Article 9 by the City Manager for consistency with the La Jolla Planned District. These permits are subject to approval by the City Engineer.

(“Encroachment Permit” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0207 Permit Time Limits and Time Extension

A valid permit approved under the La Jolla Planned District expires and is void 36 months after the Date of Final Action of the permit if the permit is not utilized as set forth in Land Development Code Section 126.0108 (Initial Utilization of a Development Permit) and Section 126.0109 (Maintaining Utilization of a Development Permit). The expiration date of a valid permit approved under the La Jolla Planned District may be extended in accordance with Land Development Code Section 126.0111, provided however all of the following requirements are met:

- (a) The Applicant shall submit documentation showing that due to an unusual economic hardship beyond his/her control, the project could not be financed, and therefore, the permit option could not be exercised in a timely fashion; and
- (b) Development regulations have not changed, so that the prior approval is still current with existing regulations.
- (c) For projects which have been approved involving any discretionary decisions, including but not limited to any project approved by Special Use Permit, it must be shown by the applicant that conditions and circumstances surrounding the project have not changed, therefore the same decisions would be rendered upon application for the extension.

- (d) Permits that are approved by the City Engineer are not subject to this provision.

(“Permit Time Limits and Time Extension” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0208 Coastal Housing Determination of Residential Use Feasibility

- (a) California Government Code Section 65590 mandates that local governments enforce certain regulations dealing with housing projects located in the Coastal Zone. Section 65590 (c) provides:

The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent," as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions.

- (b) The San Diego City Council has authorized the City Manager to make the initial determination as to the feasibility of residential use where such determinations are required by Government Code Section 65590 (c).

- (1) Government Code Section 65590 (g) contains the following definitions:

- (A) "Conversion" means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

- (B) "Demolition" means the demolition of a residential dwelling including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.
- (C) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.
- (2) The requirements of the statute must be met in all housing projects within the Coastal Zone, even if no other local government discretionary action is required. The City Manager will not approve permit applications which have not already satisfied the requirements of Government Code Section 65590. There are no exemptions provided for small projects, nor is occupancy or income level of tenants a factor that can be considered as part of the Government Code Section 65590 (c) review.
- (c) A completed application must be submitted together with a statement of facts which support the applicant's contention that residential use of the subject property is infeasible based on specific economic, environmental, social and/or technical factors. The use designation identified for the property by the approved land use plan for the area and the applicable land development regulations (e.g., zone, planned district) should also be described in relation to residential use and the proposed nonresidential use of the property.
- (d) This review is not desired to evaluate the merits of the proposed nonresidential use, but only to determine whether or not any residential use of the property is feasible. Moreover, if it is determined that residential use is not feasible, the project applicant may still be required to meet the requirements of City Council Policy 600-03 which implements the requirements of Government Code Section 65590 (b). The provisions of Council Policy 600-03 are administered by the City Housing Commission.
- (“Coastal Housing Determination of Residential Use Feasibility” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)*

§159.0210 Special Use Permit

- (a) An application for a Special Use Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission, in accordance with Land Development Code Section 112.0506 (Process Three Appeals).
- (b) The Hearing Officer may approve the Special Use Permit if the following findings are made in addition to the findings specified for particular uses:
 - (1) The project is consistent with the Purpose and Intent Section of the La Jolla Planned District Ordinance (Section 159.0101);
 - (2) The project is consistent with the applicable Use and Development Regulations of the La Jolla Planned District Ordinance; and
 - (3) The project is consistent with the standards identified in Sections 159.0210 and 159.0211.

(“Special Use Permit” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

§159.0211 Uses Permitted with a Special Permit

- (a) A Special Use Permit (SUP), as described in Section 159.0210, is required for any of the following projects:
- (b) Heritage Structure Preservation and Re-use

Any Heritage structure in Zones 1, 2, 3, 4 and 5 only, proposed for preservation and re-use not consistent with the Land Use and Density requirements of the La Jolla Planned District Ordinance, shall comply with all of the following standards:

- (1) The structure shall be evaluated by the Historical Resources Board which shall make a finding that the structure is worthy of preservation if one or more of the following appropriate findings can be made:
 - (A) The structure is part of a historical event or personage in the development of the region.
 - (B) The structure is architecturally significant in that it exemplifies a specific architect, architectural style, or period of development.

- (C) The structure is architecturally unique and worthy of preservation.
 - (D) The structure is an integral part of a neighborhood development style, and an important "part of the scene" of urban development.
- (2) The project site and structure's rehabilitation proposals shall be reviewed by the Historical Resources Board for consistency with the building's and project site's design and historical conservation elements.
- (3) The use and development regulations of the La Jolla Planned District shall apply except as follows:
- (A) The project may be exempt from the permitted uses and density requirements of the La Jolla Planned District Ordinance, provided it can be proven that it is economically imperative to provide relief from such land use requirements. A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. The Hearing Officer may approve or conditionally approve the exemption if a finding can be made that the use and density will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.
 - (B) The project may be exempted from the standard parking requirements consistent with Section 159.0404 of the La Jolla Planned District Ordinance.
 - (C) Landscaping, planting and vegetation standards shall be consistent with the applicable development regulations of the La Jolla Planned District Ordinance, except when these standards conflict with heritage structure preservation or existing matured vegetation on site. The new landscaping proposed shall compliment the existing vegetation and landscape design. The Historical Resources Board recommendations shall be considered in the City Manager's decision.

(c) Existing Cultural Use within Zone 6 Demolition

A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three, a Special Use Permit for the demolition, alteration, reconstruction or other change of any portion of an Existing Cultural Use within Zone 6. The permit may be approved or conditionally approved only upon the specific finding that such demolition, alteration, reconstruction or change is being made in conjunction with a permitted addition, enlargement, restoration or rearrangement of a permitted cultural use within Zone 6.

(d) Hotel/Motel Development (Including Timeshares)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to a Special Use Permit if all the following findings can be made:

- (1) The proposed project complies with all applicable use and development regulations contained in the La Jolla Planned District.
- (2) The proposal consists of redevelopment of an existing hotel site, and/or additions to an existing hotel, and such additions do not exceed 30 percent of the existing hotel size, and number of rooms, or 20 guest units whichever is greater. Where the proposal consists of a new development, the maximum den density does not exceed 60 guest units per acre nor will the additional rooms cause the total number of new rooms in the Zone to exceed the amount indicated in Table 159-02A.

(e) Outdoor Sales and Displays and Storage Regulations in Zones 1, 2, 3 And 4 Only

- (1) The following listed merchandise sold on the premises may be displayed outdoors during hours of business operation without screening walls or fences except along property lines abutting residentially-zoned lots:

- (A) Flowers and plants
- (B) Food products
- (C) Handcrafted products and goods
- (D) Artwork and pottery

- (E) Any other merchandise which the City Manager may find to be similar in character, type or nature to the merchandise listed in this Paragraph and which will not cause an adverse visual impact on the neighborhood.
- (2) All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is enclosed by walls, fences, buildings or landscape screening or a combination thereof.
- (3) All walls and fences required in 159.0211(e)(2) shall be a minimum of six feet in height except along the street frontage, where height may vary. Walls and fences shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval by the City Manager. The approval of the City Manager shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Such walls or fences shall be maintained in accordance with Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).
- (4) When landscape screening is used to enclose areas used for outdoor display or storage, a three-foot high solid (at time of planting) landscape screening proposal shall be submitted to the City Manager for review and approval. The landscape screening shall be developed in conformance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (5) Outdoor sales and displays are not permitted in Zone 5.
- (f) Fast Food Restaurants in Zones 1, 2, 3 and 4 Only
- Fast food restaurants may be permitted only if the following standards are met:
- (1) The proposal shall include indoor or outdoor seating areas with refuse collection receptacles.
- (2) The establishment shall maintain the premises and the immediate vicinity (at least to the first street intersection in both directions) clear of litter.

- (3) Food to take out shall be restricted to minimum packaging and shall include a container or paper sack in which the refuse can be collected to be thrown away.
 - (4) Fumes and odors shall be contained within the cooking areas and shall not be allowed to spread beyond the property line.
 - (5) Hours of operation shall be limited to daylight hours and until 12:00 Midnight or earlier as established by the City Manager at the public hearing.
 - (6) The proposal shall comply with all applicable development regulations.
 - (7) Any drive-thru facility in connection with a fast food restaurant shall comply with all the requirements of Section 159.0211(g) (Drive-thru Facilities).
 - (8) Fast food restaurants are not permitted in Zone 5 or Zone 6.
- (g) Drive-thru Facilities
- (1) Drive-thru facilities are not permitted in Zone 1, Zone 5 or Zone 6.
 - (2) Drive-thru facilities may be permitted in Zone 2 (Herschel), in Zone 3 (Fay Avenue), and Zone 4 (Pearl/ La Jolla Boulevard) subject to all the following conditions:
 - (A) The drive-thru area shall be paved with patterned paving consistent with Appendix B and D of the La Jolla Planned District.
 - (B) Auto/pedestrian circulation conflicts shall be minimized. A drive-thru shall not be located along areas of a high pedestrian use.
 - (C) The drive-thru area shall be buffered with a 10-foot-wide and a minimum of 3-foot-high vegetated strip from adjacent pedestrian sidewalk areas.

(D) Parking areas abutting the drive-thru area shall have 10-foot-wide and a minimum 3-foot-high at time of planting vegetated buffer adjacent to the public right-of-way (sidewalks). Ten percent of the parking area shall be landscaped with broad tall trees that provide shade areas (See Appendix B).

(h) Joint Use Parking Facilities

Joint use parking facilities may be permitted by Special Use Permit, provided all of the following requirements are met:

- (1) There are adequate parking spaces to service the proposed uses. Multiple use of parking spaces may be permitted provided it can be proven that their individual parking needs are not in conflict.
- (2) Joint parking facilities shall be located within a quarter-mile radius of the project site.
- (3) A La Jolla Planned District Joint Use Parking Agreement Application is submitted to the Planning Director.

(i) Above Ground Parking Structures

Above ground parking structures may be permitted consistent with the zone restrictions contained in Section 159.0302(d)(2), by Special Use Permit only, provided the building or structure does not exceed a floor area ratio of 2.5 and the following conditions are met:

- (1) There shall be a demonstrable community need for the additional parking proposed, based on parking and marketing studies submitted at the time of project review.
- (2) The structure is compatible in materials, colors, and architectural features to the character of the surrounding development, particularly adjacent structures.
- (3) A minimum of 20 feet of depth from the street frontage at the structure, excepting only the portion required for driveways and pedestrian access, is utilized for community serving retail establishments and other establishments that provide auto oriented goods and services.

- (4) An eight-foot-wide vegetated area is provided between any noncommercial street frontages of the structure and the sidewalk. Use of large screening trees and vines to cover wall surface areas shall be required. (See Appendix B.)
- (5) All parking levels are enclosed on all sides with solid walls of at least 42 inches above the floor.
- (6) Lighting fixtures utilizing exposed lamps of any kind are placed so that they are not visible from outside the building.

(j) In Lieu Fee Parking Provisions

An in lieu fee program for the provision of parking may be added to the La Jolla Planned District Ordinance at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for parking in the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

(k) Transit Fees in Lieu Provisions

An in lieu fee program for the provision of additional public transit, may be added to the La Jolla Planned District Ordinance at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for provision of additional public transportation opportunities within the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

(l) In Lieu Streetscape Improvement Fees

An in lieu fee program for the improvement of the pedestrian spaces on public right-of-way may be incorporated into the La Jolla Planned District Ordinance at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for landscaping and ornamental lighting for the La Jolla Planned District area. The option of using this program in lieu of required landscaping will not be available until the program is established at a future date.

(m) Other Uses Permitted under a Special Use Permit

Private clubs, fraternal organizations and lodges, churches, civic buildings, public and private libraries, schools, museums and other uses allowable under Conditional Use Permits in other commercial and residential zones of the City, as identified in Section 151.0401, and any other discretionary permits issued by the City Manager shall be permitted subject to the processing of a Special Use Permit under the terms of Section 159.0211. The use and development regulations of the Land Development Code Chapter 14, Article 1, Division 1 (Separately Regulated Use Regulations) shall apply and be supplemented and superseded by any applicable use and development regulations of the La Jolla Planned District.

(n) Cultural Zone -- Transfer of Development Rights Program

A Transfer of Development Rights Program to be applied to the cultural uses within the Cultural Zone shall be incorporated into the La Jolla Planned District Ordinance by June 30, 1987. The program shall be designed to give the cultural institutional uses an equivalent value to their present maximum residential permitted use of 29 du/ac, in exchange for the perpetual restriction of residential redevelopment on these sites. The incorporation of a specific Transfer of Development Rights (TDR) implementation program shall be the subject of future approval by the City Council. Approval of such TDR program shall take place within the specified period, but no later than June 30, 1987.

(“Uses Permitted with a Special Permit” added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)