

Article 4: Cass Street Commercial Planned District
(“Cass Street Commercial Planned District” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

Division 4: General and Supplemental Regulations
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§154.0401 Landscaping Regulations

- (a) Prior to the use and occupancy of any premises, the required front yard setback within said premises abutting public street rights-of-way (except for approved ways of ingress and egress) shall be suitably landscaped with shrubs, trees, and ornamental ground cover. Prior to the issuance of any building permits, a complete landscaping plan shall be submitted to the City Manager for approval. Said landscaping plan shall be in substantial conformance with standards and specifications adopted by the Planning Commission as set forth in the document entitled "Developmental Standards and Operational Standards - Landscaped Strips," on file in the office of the Development Services Department. Substantial conformance shall be determined by the City Manager. Landscaping and required watering systems shall be installed prior to the use of the premises. All landscaping material in required landscaped areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material in accordance with the "Developmental Standards and Operational Standards - Landscaped Strips."
- (b) When landscape screening is used to enclose areas used for outdoor display or storage, a minimum landscaping strip of 5 feet shall be included with trees of a minimum height of 8 feet at the time of installation. Such a screening proposal shall be submitted to the City Manager for review and approval. The landscape screening shall be developed in conformance with standards adopted by the Planning Commission as set forth in the document entitled "Development and Maintenance Standards - Landscaping" on file in the office of the Development Services Department. Substantial conformance shall be determined by the City Manager. Landscape screening shall be permanently maintained in accordance with the adopted standards referred to above.
- (c) All edges of parking areas (lots plus above ground structures) shall be landscaped with a 5-foot landscaping buffer. Wheel stops shall be placed 2 feet away from the landscaped buffer.

- (d) Surface parking lots with more than two rows or parking shall include 5-foot-wide landscaping islands between rows and wheel stops at 2 feet from this landscaped area. Canopied trees of low water consumption shall be planted within this landscaped strip. One tree of a minimum 24-inch box or 15-gallon size and a minimum 8 feet in height at the time of installation shall be required per 2,000 square foot of parking lot area. Where a 5-foot-wide landscaped island is not feasible, patterned paving shall be required with one crated tree of minimum 24-inch box or 15-gallon size and a minimum 8 feet in height at the time of installation for every 1,000 square feet of parking lot area.

(“Landscaping Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0402 Off-Street Parking Regulations

- (a) Every premises used for one or more of the permitted uses listed in Section 154.0301 shall be provided with a minimum of off-street parking spaces on the same lot or premises, except as otherwise provided in Land Development Code Chapter 14, Article 3, Division 5 (Parking Regulations).
- (b) Access to parking shall be from the alley exclusively except when no alley access is available. No access to parking shall be permitted from Cass Street except where such access is the only access available, in which case the maximum driveway size shall be limited to 24 feet.
- (c) Parking areas shall be located behind the building and the street sideyard setbacks. No parking areas shall be permitted in front of any building on Cass Street or on any side street.
- (d) Adjacent parking areas, not divided by a street or an alley, shall be linked to allow for multiple use of parking, and a more efficient overall parking and circulation layout. A temporary gate may be constructed in these linkage areas, if needed to protect parking areas from overcrowding.
- (e) Rehabilitation and Small Addition Projects

Any rehabilitation of an existing building or small addition (1,500 square feet or less) shall be exempted from the required parking, provided that the proposed use of the building is consistent with Section 154.0301 and that one new parking space is provided off the alley for each 10 feet of unbuilt *alley* frontage. In no event shall the number of additional parking spaces exceed the number required by the size of the addition.

- (f) Parking reductions may be permitted for lot consolidation and mixed use projects. The request for reduction in the amount of reduced parking may be approved, conditionally approved or denied, by a Hearing Officer, in accordance with Process Three, after considering the recommendations of the City Manager. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Section 112.0506. The amount of reduced parking will depend on the uses and hours of operation proposed for the project, as established through the development permit.
- (g) All off-street parking facilities shall be constructed, maintained, and operated in compliance with Land Development Code Chapter 14, Article 3, Division 5 (Parking Regulations).
(“Off-Street Parking Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0403 Enclosure Regulations

- (a) No mechanical equipment, tank, duct, elevator enclosure, cooling tower, or mechanical ventilator shall be erected, constructed, maintained, or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to the main building.
- (b) Prior to the use or occupancy of any premises, a wall not less than 6 feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned property except on public alleys; provided, however, that within any required front or street side yard such wall shall not be required. In the case of rehabilitation of an existing structure, no wall shall be required unless parking is to be located adjacent to residentially zoned property.
(“Enclosure Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0404 Outdoor Storage, Display and Activity Regulations

- (a) The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences, except along property lines that abut residentially zoned lots:
 - (1) Artwork and pottery
 - (2) Flowers and plants

- (3) Food Products
 - (4) Handcrafted products and goods
 - (5) Recreational equipment such as roller skates, bicycles, and surfboards
- (b) All other merchandise sold on the premises may be displayed outdoors during hours of operation, provided that the display area is completely enclosed by walls, fences, buildings, or landscape screening, or a combination thereof.
- (c) All walls and fences required in Section 154.0404(b) shall be a minimum of 6 feet in height and shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. Deviation from this requirement may be permitted subject to the approval of the City Manager for areas which are to be used exclusively for display purposes. The location, materials and design of required walls and fences shall be subject to approval by the City Manager. Whenever feasible, 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 the provisions set forth in Land Development Code Section 142.0380.

(“Outdoor Storage, Display and Activity Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)

§154.0405 Streetscape Development Regulations/Encroachment Permits

Within the Cass Street Commercial District, no alteration, construction, development or use of the abutting public right-of-way shall be permitted unless the streetscape and encroachment permit standards are met.

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

- (a) Driveways and Curb Cuts
 - (1) Driveway widths shall be in conformance with Land Development Code Section 142.0560. No new driveways shall be permitted on Cass Street, except as provided in 154.0405(a)(3) and (4).

- (2) Existing driveways and curb cuts may be maintained except that such driveways shall be limited to one per lot. Whenever projects are processed where existing driveways are abandoned, the applicant shall be required to remove the driveway and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.
- (3) No new driveways or curb cuts shall be approved on properties that have alley access provided that safety problems are not caused by this policy.
- (4) Properties without alley access may be permitted one driveway per property, such driveway shall not exceed 24 feet in width, or as required for safety reasons.
- (5) Driveway entrances across the sidewalk right-of-way shall continue the paving pattern utilized in the adjacent sidewalk areas. Projects subject to Special Use Permits, and requiring driveway access, shall improve the sidewalk area in a manner consistent with this section's standards, unless such requirement is specifically waived. Driveway entrances across the sidewalk shall be signed to provide for pedestrian safety at all times.

(b) Underground Parking Encroachments

- (1) Encroachment for underground parking spaces may be permitted only if a more efficient underground parking design, as determined by the City Manager, can be provided without resulting in a major expansion to the underground parking area.
- (2) No encroachments into the street for parking or (underground and aboveground) access ramps parallel to the street shall be permitted.
- (3) Any access from underground parking areas to the street shall be signed to provide for pedestrian safety at all times.

(c) Sidewalk Development

(1) Minimum Width

All existing and new sidewalks shall maintain their present width and shall also maintain standard sidewalk elevation in relation to the curb for the entire distance between the curb and property line.

(2) Clear Path

A minimum clear path (free of obstruction) of 8 feet in width shall be maintained at all points within the sidewalk right-of-way. The clear path shall be linear, and shall not impede handicapped access. A clear path of greater than 8 feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety.

(3) Surface Treatment (Sidewalk Paving)

All development proposing to improve the abutting sidewalk areas through an encroachment permit shall be in accordance with the following standards:

- (A) The sidewalk surface (exclusive of permanently landscaped areas) shall be paved with brick, clay or ceramic tile, or interlocking concrete pavers. Standards for each of these materials shall be as set forth below.
- (B) Materials, surface textures, pavement patterns and colors for enhanced pavement shall be compatible with the materials of adjacent buildings and paved areas.
- (C) The objective of these standards is to provide a complementary palette of paving materials and colors which provide an element of unity and continuity throughout the district while encouraging the development of improved pedestrian sidewalk areas.

(i) Materials

Brick: Bricks shall be standard size 8 inches by 4 inches, and shall be set in mortar.

Tile: Tile shall be square, not to exceed 10 inches on any side. Minimum tile thickness shall be 0.25 inches for ceramic or quarry tile, and 0.75 inches for clay tile.

Tiles shall be set in mortar.

Concrete Pavers: Concrete pavers and interlocking pavers may be of any uniform shape provided each unit does not exceed 10 inches across its longest dimension.

Pavers shall be set in mortar.

(ii) **Surface Textures**

All paving materials shall provide an even, slip-resistant surface at least equal to the City standard broom sweep sidewalk. All grouting shall be paced flush with the top of the pavers.

(iii) **Pavement Patterns**

The pavement patterns shall be maintained constant except to define an entrance or an adjacent public plaza in which case paving patterns may be integrated with other paving to form bands or dividers in harmony with architectural themes. Unit pavers may be arranged in any uniform pattern that is perpendicular to the curb line, provided that the spaces created flow together and avoid sharp changes at the property line. Pavement patterns shall be consistent with the safety standards required for handicapped access.

(iv) **Colors**

The color of paving shall generally be within the red to orange range (including reddish browns) with muted (non-bright) tones. Dark brown and other dark tones and colors are not appropriate.

(d) **Parkway Landscaping and Street Trees**

- (1) Landscaping of areas between the sidewalk and the curb shall be encouraged on Cass Street and on side streets. Such planting within the street right-of-way shall be subject to the approval of the City Manager as required by Section 62.0603. The provision of street trees and vegetated parkway areas shall be included in the calculation of the required vegetation in front yards and street side yards. Vegetated parkway areas with the specified street tree species shall be permitted to contribute up to two-thirds of the required front and street side yard vegetation. Each one square foot of vegetated parkway area with street trees provided shall satisfy 1.5 square feet of the front and street side yard vegetated area requirements.
- (2) Existing street trees shall be preserved to provide continuity and to enhance the character of the street. New street trees on Cass Street shall be of the species *Agonis flexuosa* (Peppermint Willow), which is the most prevalent species located on Cass Street. New street trees on side streets shall be of the species which is most prevalent on that side street.
- (3) Trees shall be planted in the ground between the sidewalk and the curb. The minimum size tree shall be a standard trunk, 24-inch box or 15-gallon size and a minimum of 8 feet high. Trees with a low spreading branch *structure* shall typically not be used in the street rights-of-way. Individual specimens shall be selected, planted, and pruned, if necessary, such that major scaffold branches are at least 8 feet above the finish surface or finish grade, as measured at the trunk.
- (4) Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of-way have a minimum of 14 feet-6 inches of clearance above the surface of the street.
 - (A) Tree Spacing

Trees shall be planted in a straight line spaced 20 feet apart except where such spacing conflicts with the location of pedestrian oriented light standards, in which case trees shall be spaced 30 feet apart. The placement of street trees shall be coordinated with the placement of light standards.
 - (B) Tree Grates

Tree grates shall meet safety requirements of Title 24 of the California Building Code. The maximum size of grid opening shall be no larger than 0.50 inches. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of 2 inches above a gravel base. The grates shall be factory primed and painted black. Tree grates shall not be required if trees are planted in a landscaped parkway, provided no safety hazards are caused by this exception.

(C) Root Control Barriers

A root control barrier shall be provided for each tree to avoid possible root damage to sidewalks and other facilities in the public right-of-way or surrounding buildings.

(D) Street Tree Irrigation

All landscaping in the public right-of-way shall have a permanently installed and maintained irrigation system designed by registered landscaped architect, or as approved by the City Manager as follows:

- (i) All street trees shall be irrigated.
- (ii) Irrigation water shall be metered through the property owner's meter.
- (iii) PVC pipe (SCH 40) or better to each tree well shall be in place prior to pouring public sidewalk or paving.
- (iv) PVC pipe to each tree well shall be laid perpendicular to the curb and connected to the irrigation system on private property where applicable.
- (v) Each tree shall have a minimum of one adjustable bubbler-type head or approved equal.
- (vi) All irrigation systems shall have anti-syphon, backflow prevention and shall be operated by an approved automatic timer on private property.

(e) Curbs, Gutters and Handicapped Ramps

The design of curbs, gutters and handicap ramps shall meet the City of San Diego standards. A sprayed or rolled-on retarder (for light surface penetration) shall be applied to all curbs, gutters and handicap ramps. All joints in exposed aggregate concrete work shall be saw-cut.

(f) Utilities

- (1) For all areas finished with enhanced paving, all concrete utility covers shall be replaced with metal covers. All covers shall be painted black.
- (2) Large utility covers (exceeding 8 square feet) if not avoidable, shall be covered with veneer to match the sidewalk paving material.
- (3) Public utility systems and service facilities shall be located underground within the property boundaries as provided for in Land Development Code Section 144.0240. Any waiver granted to this requirement shall be subject to the property owner's agreement not to oppose the formation of an undergrounding district in the future.

(g) Street Furniture

(1) Light Standards

Light standards shall be equal to the product specified as "San Diegan Series Type C." manufactured by Western Lighting Standards, 18060 Mount Washington, Fountain Valley, California.

(2) Benches

(A) Materials

Benches located in the sidewalk right-of-way shall conform to one or more of the following materials: wood; wood and iron; wrought iron or cast iron; and formed iron.

(B) The siting of benches shall be as follows:

- (i) Benches shall not encroach into the required 8-foot sidewalk clearpath.

- (ii) Benches shall not be located within 5 feet from the center of the sidewalk.
 - (iii) A bench located parallel to the sidewalk shall face the center of the sidewalk.
 - (iv) If two or more benches are situated perpendicular to the sidewalk, the benches shall be sited to face each other.
- (C) Advertisement on benches located in the public right-of-way shall be prohibited.
- (3) Awnings and Canopies
- Awnings and canopies made of canvas or any other material permitted by Uniform Building Code standards, and approved by the City Engineer, may be permitted to encroach on the street right-of-way to provide shade or sun protection for exhibit areas.
- (h) Sidewalk Cafes
- Sidewalk cafes shall be permitted throughout the planned district as regulated by Land Development Code Section 141.0621.
- (i) Maintenance and Repairs

All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available. All public utility and improvement repairs and maintenance, undertaken in an improved sidewalk area shall match the existing material and color.

(“Streetscape Development Regulations/Encroachment Permits” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

§154.0406 Sign Regulations

- (a) The aggregate area of all signs permitted on the premises (excluding signs designating the premises for sale, rent or lease) shall not exceed 0.5 square feet for each lineal foot of the street frontage of the premises, provided that the aggregate area of all signs used by a single place of business need not be less than 15 square feet. 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 provided on the premises or to display public interest messages as described in Land Development Code Section 142.1210(a)(1)(B) through (D).
- (b) Wall 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. It is further provided that the area of wall signs shall not exceed 2 feet in height multiplied by the width of the premises, or 15 square feet per premise, whichever is less.
- (c) Wall graphics shall be permitted in addition to a wall sign provided that the wall graphic contains only a pictorial image of the product or service provided or the logo of the business establishment. No lettering shall be included in a wall graphic. Wall graphics shall be limited to a maximum of 15 square feet per establishment.
- (d) As an alternative to a wall sign, a projecting sign may be permitted, provided, however, that it meets the following standards:
 - (1) The sign projects horizontally from the building and is oriented to the pedestrian;
 - (2) The sign does not project more than 3 feet from the face of the building;
 - (3) The bottom of the sign shall not be higher than 7 feet above ground level and shall not exceed 5 square feet in size;
 - (4) A projecting sign may be 2-sided;
 - (5) A hanging projecting sign with a vertical clearance of less than 7 feet may be placed in a vegetated area set back a minimum of 5 feet from the property line and not accessible by pedestrians, provided that the height of the sign does not exceed 6 feet; and

- (6) A projecting sign with a vertical clearance of less than 7 feet may be placed over a vegetated area not accessible by pedestrians.
- (e) One ground monument sign may be permitted for premises containing more than four uses. The sign shall be permitted on one street yard setback only, and set back a minimum of 5 feet from the property line. The sign and monument shall not exceed 30 square feet and 4 feet in height.
- (f) One window graphic shall be permitted per premises. The window graphic shall be limited to individual letters and graphic symbols identifying the premises, the service provided, and the hours of operation. The lettering shall be placed on a transparent board or directly affixed to a window or door. The window graphic shall not exceed 25 percent of the glass area of the window or door.
- (g) Signs permitted herein may be lighted; however, none shall contain visibly moving parts or be illuminated by flashing lights. No sign shall be lighted prior to 6:00 a.m. or after 12:00 midnight of any day.
- (h) One temporary wall or ground sign for each street frontage, having a maximum area of 8 square feet, designating the premises for sale, rent or lease.
- (i) All signs permitted by the provisions of this section shall also comply with the provisions of Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures).

(“Sign Regulations” added 3-27-2007 by O-19597 N.S.; effective 4-26-2007.)