

**Chapter 15  
Planned Districts**

**Article 16: Old Town San Diego Planned District**

*(“Old Town San Diego Planned District” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*

**Division 2: Permits and Procedures**

*(“Permits and Procedures” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*

**§1516.0201 Administrative Regulations**

The Administrative regulations as specified in this section apply in the Old Town San Diego Planned District.

- (a) Any permit or license issued or any work within the Old Town San Diego Planned District, including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure, or relocation of any structure into the Planned District, regardless of whether it requires a permit, may be reviewed by the City Manager and the Old Town San Diego Planned District Design Review Board.
- (b) Article 16, Division 2 (Old Town Planned District Permits and Procedures) does not supersede, change or amend, nor in any way alter the manner, method or requirements of the review procedures for any historical site designated by the Historical Resources Board.

*(“Administrative Regulations” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*

**§1516.0202 Project Review Administration**

- (a) Application

Application for a Planned District Permit shall be made in accordance with Land Development Code Section 112.0102, prior to commencement of any work in the erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, 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:

- (1) A deposit as indicated on the current fee schedule maintained in the office of the City Clerk shall be paid when application is made for any Planned District Permit.

- (2) All submittals shall illustrate the following:
  - (A) The purpose for which the proposed building, structure or improvement is intended to be used;
  - (B) Site plans, floor plans, elevations and sections including datum points indicating grade and measurements of dwelling unit density, number of bedrooms (floor plan), lot area, lot coverage, floor area ratio, setbacks, height (elevations), off-street parking and landscaping;
  - (C) Site Plans, floor plans, elevations and sections including datum points and measurements, photos and samples, for the building and improvements which show the exterior appearance, color and texture of materials, and architectural design of all exterior features, and the relationship to adjacent structures;
  - (D) Site plans, elevations and sections, including datum points and measurements for any outbuilding, party walls, courtyards, fences, setbacks, signs, lighting, traffic safety, or other dependency thereof; and
  - (E) Any other information deemed necessary by the City Manager or Board to evaluate the project for compliance with the regulations contained herein and other applicable laws and regulations.
  
- (b) Decision Process
  - (1) An application for a planned district permit for signs, re-roofing; repainting of exterior surfaces and any addition to or alteration of any structure which is minor in scope may be approved or denied, in accordance with Process One, by the City Manager without being referred to the Board for recommendation. Notwithstanding the foregoing provision, the City Manager may in his discretion refer such application to the Board for their recommendation prior to taking action on the application. (Minor in scope shall constitute an addition or alteration of 20 percent or less and conforms to all applicable regulations.)
  
  - (2) Other than provided by Section 1516.0202(b)(1), an application for a Planned District Permit shall first be referred to the Board for their review and recommendation. The application may be approved, conditionally approved or denied by a Hearing Officer in accordance

with Process Three, after receiving the Board's recommendation or comments. The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

- (3) Within 60 calendar days after the submission of a complete Building Permit application for development of a site for which a Planned District Permit has been issued which shall include completed environmental review, the City Manager shall issue a decision in writing, except when the applicant requests and receives approval from the City Manager or an extension of time.
  - (4) Issuance. A Building Permit may be issued after the City Manager's approval. The City Manager shall conduct a site inspection before issuance of the certificate of occupancy or the final inspection.
- (c) Permit Time Limits
- (1) No building permits shall be issued for any projects for which a building permit is not on file within 180 days from the effective date of Ordinance No. O-16906 N.S., for projects which received an approval from the Old Town San Diego Planned District Review Board, or City Council on appeal prior to the effective date of Ordinance No. O-16906 N.S. Written notice of the content of this provision shall be given within 60 days of the effective date of Ordinance No. O-16906 N.S. to all permittees to which this provision applies.
  - (2) A valid Planned District Permit shall expire and become void 36 months after the "Date of Final Action of the Permit", if the permit is not utilized in the manner set forth in Land Development Code Section 126.0108 and Section 126.0109.
  - (3) The expiration date of a valid Planned District Permit may be extended in the manner provided within Land Development Code Section 126.0111. To initiate the request for an extension of time, the property owner or owners shall file a written request in accordance with Land Development Code Section 126.0111. The extension of time may be granted if both of the following requirements are met:
    - (A) The applicant submits documentation showing that due to unusual economic hardship or processing delays beyond his/her control, necessary permits could not be obtained,

therefore, the permit option could not be exercised in a timely fashion; and

- (B) Development and community conditions have not changed, so that the prior approval is still consistent with now existing conditions.

- (4) The City Manager shall notify the Board and the Old Town Community Planning Committee of any extension of time requests. Any request that may be affected by changed conditions shall be brought to the attention of the Board for recommendation.

*(“Project Review Administration” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*

### §1516.0203 Special Permits

The following types of permits are unique in their complexity and therefore require special review by the City Manager and the Board. The 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.

- (a) Public Facilities, Structures and Areas

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of the Old Town Planned District Ordinance which is designed to recreate the history of the character of Old Town San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein, and shall be reviewed by the Board for their recommendation.

- (b) Historic and Architecturally Significant Structures

The provisions contained herein are intended to permit and encourage in Old Town San Diego the preservation and restoration of buildings, structures and sites having historic, archaeological, or architectural value for the benefit of the people of San Diego, the State of California and all those interested in the record of the progress of western civilization. Such structures shall be designated historical resources in the City of San Diego.

- (1) Relocation of Historic Buildings

Designated historical structures of the City of San Diego may be relocated into the Old Town San Diego area. Upon receipt of an application for permit to relocate such a building, the City Manager shall refer the application to the Historical Resources Board for review as provided in Section 1516.0202. Any building approved for relocation into the District by the Historical Resources Board shall be referred to the Board for review.

(2) Exceptions

(A) The Hearing Officer may grant an exception to any development regulation within this Planned District Ordinance including permitted uses, and parking regulations only when such exception is necessary to permit the preservation or restoration of a designated historic or architecturally significant building, structure or site. Such exception is subject to the following conditions:

- (i) The subject building, structure or site must be a designated historical resource.
- (ii) The proposed exception shall be referred to the Historical Resources Board for a report and recommendation.

(B) In approving or conditionally approving an exception, the Hearing Officer shall find that the exception is necessary to permit the preservation or restoration of a designated historical resource; that strict application of the provisions contained within this Planned District Ordinance would result in economic or other practical difficulties in securing the preservation or restoration of a designated historical resource; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and, the Historical Resources Board and the Old Town San Diego Design Review Board have made consistent recommendations for granting the exception.

(C) In approving or conditionally approving any exception the Hearing Officer shall make a written finding specifying facts relied upon in rendering its decision. A copy of this written finding, together with all evidence presented, including plans required elsewhere in this Planned District Ordinance shall be filed in the Office of the City Clerk.

(3) Historical Resources Board Review

Any application to remodel, restore, alter or move a designated historical resource shall first be referred to the Historical Resources Board for review pursuant to Land Development Code Section 143.0250.

(4) Removal of Damaged Historic Structures

If any designated historical resource shall be damaged by earthquake, fire or act of God, and a permit for demolition or removal of the property is applied for, the permit shall be referred to the Historical Resources Board pursuant to Land Development Code Section 143.0250 unless an emergency condition exists in which a specified action must be taken based on factual circumstances.

(c) Archaeological and Historical Site Review, Designation, and Preservation

(1) Archaeological review by an archaeologist certified by the Society of Professional Archaeologists or equivalent acceptable to the City Manager is required for any project which disturbs the ground.

(2) For any site that is identified as having archaeological or recorded evidence of a preexisting historical structure, settlement or event, application shall be made to the Historical Resources Board for designation and to the Board for determination on an acceptable manner of commemorating the historical value of the site. This might include a reconstruction if adequate plans remain, a partial reconstruction or monument.

(3) A special permit shall be required for those projects where an archaeological site has been identified. Efforts should be made to preserve the site for public view; this preservation (total or partial) shall be a part of the special permit proposal.

(4) The Historical Resources Board shall review the application and provide information to the Hearing Officer on the site's historical or archaeological significance and methods to preserve or commemorate the site. The exemptions for historic buildings shall be also applicable, where appropriate, to these projects.

(d) Conditional Use Permits, Variances and Other Permits

Any use allowable under a Conditional Use Permit as provided in Section 151.0401 shall be subject to a special permit. The development standards shall be those specified in this Planned District Ordinance, the "Standards and Criteria," and the regulations in Land Development Code Chapter 14, Article 1 (Separately Regulated Use Regulations).

(e) Sidewalk Cafes and Pushcarts

A special permit is required for these activities in accordance with Section 151.0401 and the provisions of this Planned District Ordinance.

(f) Public Parking Subareas

A special permit shall be required for any project within the public parking subarea in order to assure consistency with the intent of the neighboring subareas, the overall goals of the District and consistency with the Community Plan. For a public parking facility, the permit should be consistent with the following guidelines:

(1) The maximum building coverage should not exceed 80 percent.

(2) A minimum number of 1000 parking spaces should be provided.

(3) The maximum height of building should not exceed 26 feet.

(4) Landscaping

(A) 15-foot fully landscaped street yards should be provided.

(B) Interior landscaping: 10 percent of the structure should be landscaped and open to the sky. Landscaped areas should be generally located in the center of the structure adjacent to auto and pedestrian access, to provide visual and environmental relief.

(C) Rooftop landscaping: The rooftop perimeter should be lined with a 2-foot minimum wide landscaped strip.

(5) Supportive Uses

The special permit shall assure that only the following uses be permitted on the public property sites identified (as identified on Map C-289.5).

(A) PARCEL A/School Use (Congress/Ampudia):

School (K-9), and playground activities are permitted uses.

Location of school/playground uses either as primary or incidental shall be required on this site. These may be located on grade or on top of the parking structure. If located on grade, school buildings should be located on the high elevation of the site. Any new school building facility shall be designed to replicate historical public structures of the pre-1871 period.

(B) PARCEL B/Transit Use (Congress/Taylor):

A transit center, with related transit support retail and offices may be permitted, provided that these support retail and office uses shall not exceed an area of 10 percent of the site, nor shall any one establishment exceed 700 square feet.

The building setback shall be a minimum of 50 feet from Taylor Street property line, of this, a 30-foot landscaped strip adjacent to the property line shall be maintained along Taylor Street.

(C) PARCEL C/Transit Use (Rosecrans/Gaines):

Sports fields and playgrounds are encouraged to develop adjacent to or on the roof of parking structures, to replace facilities in other areas of the Old Town San Diego Community Plan.

A transit center, with related transit support retail and offices may be permitted, provided that these support retail and office uses shall not exceed an area of 10 percent of the site, nor shall any one establishment exceed 700 square feet.

(D) PARCEL D/Parking (Juan/Harney):

Surface parking shall be maintained consistent with the standards for surface parking lots incorporated in this Planned District Ordinance.

*(“Special Permits” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*



**§1516.0204 Previously Conforming Uses**

The determination and regulation of previously conforming uses within the District shall be consistent with Land Development Code, Chapter 12, Article 7, Division 1 (Previously Conforming Premises and Uses).

*(“Previously Conforming Uses” added 3-27-2007 by O-19586 N.S.; effective 4-26-2007.)*