

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REPEALING CHAPTER 10, ARTICLE 3, DIVISION 21, AND AMENDING CHAPTER 15, BY ADDING ARTICLE 14, DIVISION 1 TITLED “GENERAL RULES,” SECTIONS 1515.0101, 1515.0102, 1514.0103 AND 1514.0104; DIVISION 2 TITLED “PERMITS AND PROCEDURES,” SECTIONS 1514.0201, 1514.0202, 1514.0203, 1514.0304 AND 1514.0205; DIVISION 3 TITLED “ZONING AND SUBDISTRICTS,” SECTIONS 1514.0301, 1514.0302, 1514.0303, 1514.0304, 1514.0305, 1514.0306 AND 1514.0307; DIVISION 4 TITLED “GENERAL AND SUPPLEMENTAL REGULATIONS,” SECTIONS 1514.0401, 1514.0402, 1514.0403, 1514.0404, 1514.0405, 1514.0406, 1514.0407, 1514.0408, AND APPENDIXES B THROUGH E, ALL RELATING TO THE MISSION VALLEY PLANNED DISTRICT.

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

Section 1. That Chapter 10, Article 3, Division 21 is repealed, and Chapter 15 of the San Diego Municipal Code is amended by adding Article 14, Division 1, Sections 1514.0101, 1514.0102, 1514.0103 and 1514.0104, to read as follows:

Article 14: Mission Valley Planned District

Division 1: General Rules

§1514.0101 Purpose and Intent

- (a) It is the purpose of these regulations to ensure that development and redevelopment in Mission Valley will be accomplished in a manner that enhances and preserves sensitive resource areas; improves the vehicular, bicycle, pedestrian and public transit circulation network; provides reasonable use of property; and contributes to the aesthetic and functional

well-being of the community. These regulations link development intensity to the traffic levels allowed under the adopted community plan, and respond to the unique topography and biology of Mission Valley through land use and design criteria. Flexibility in land use and site design is permitted within established parameters.

- (b) It is the intent of these regulations to implement the Mission Valley Community Plan through the use of: (a) overlay districts regulating development intensity community-wide and providing additional development criteria for projects in the San Diego River and Hillside subdistricts; (b) residential, commercial, industrial, and multiple land use zones providing basic development criteria; (c) special development regulations which address unique Mission Valley needs and are applied to all land uses and (d) continued application of the city-wide OF-1-1 (Open Space--Floodplain) Zone and Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

§1514.0102 Boundaries

The regulations in **the Mission Valley Planned District Ordinance** shall apply in the Mission Valley Planned District which is within the boundaries of the Mission Valley Community Planning Area in the City of San Diego, California, designated in those certain Map Nos. C-873 and C-897, and described in the boundary descriptions filed in the Office of the City Clerk as Document Nos. OO-18223 and OO-18877, respectively.

§1514.0103 Administrative Regulations

(a) General Provisions

- (1) The City Manager shall administer the Mission Valley Planned District Ordinance and ensure compliance with its regulations and procedures. In evaluating the appropriateness of any proposal for which a permit is applied under the Mission Valley Planned District Ordinance the appropriate decision maker shall refer to the Mission Valley Community Plan as presently adopted or as amended from time to time.
- (2) The Mission Valley Unified Planning Committee and the Mission Valley Design Review Subcommittee shall have the opportunity to comment on all proposals that require a discretionary Mission Valley Development Permit. The recommendations of both the committee and subcommittee shall be forwarded to the appropriate decision maker at noticed public hearings.
- (3) Where not otherwise specified in the Mission Valley Planned District Ordinance, the following provisions of the Land Development Code apply:
 - Chapter 11 (Land Development Procedures);
 - Chapter 12 (Land Development Reviews);
 - 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);
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 Mission Valley Planned District Ordinance, the Planned
District Ordinance applies.

- (4) When provided for by the City Council approved budget, the provisions of the Mission Valley Planned District Ordinance shall be reviewed annually and a report to the City Council with recommendations shall be filed by the City Manager, the Mission Valley Unified Planning Committee, and the Design Review Subcommittee on the effectiveness of the Mission Valley Planned District Ordinance in promoting the goals of the community plan.

(b) Exemptions

- (1) Projects submitted pursuant to Council adopted specific plans are exempt from the Mission Valley Planned District Ordinance when the submittal is found to be in substantial conformance with the approved specific plan (see Section 1514.0202).
- (2) Notwithstanding any other provision to the contrary, the City Manager may waive the permit requirements for an activity regulated under the Mission Valley Planned District Ordinance when it is determined that the proposed activity is necessary to avoid or abate a hazardous or other unsafe condition.

§1514.0104 Definitions

See Land Development Code Section 113.0103 for additional definitions.

- (a) **Accessory Use** - any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. The combined gross floor area of all accessory uses on any premises shall not exceed 25 percent of the gross floor area of the other non-accessory permitted uses.
- (b) **Blank Wall** - any wall or garage door not enhanced by architectural detailing, artwork, transparent windows, doors or similar features.
- (c) **Gross Acres** - the total land area of a site including private streets, floodway, and hillsides.

- (d) **Ground Floor** - the floor level nearest to street grade. Where two floor levels are equidistant from street grade, the lower floor shall be designated as the ground floor.
- (e) **Plaza** - a pedestrian area on private property, open to the sky and to an adjoining public right-of-way or Major Pedestrian Path (see Appendix B, Figure 5). A plaza is open to all types of pedestrian activity permitted in the adjacent sidewalk area.
- (f) **River Wall** - any wall immediately adjacent to the San Diego River that is part of a structure representing equal to or more than 25 percent of the total site ground floor area (see Appendix B, Figure 2). Term is similar in concept to definition of street wall in Land Development Code 113.0103.
- (g) **River Wall Line** - generally, a line drawn in plan view along the building edge located immediately adjacent to the river, and extended to the side property lines. This line is used to mark the boundary of the river yard. Technically defined, this line extends outward from the outermost corners of each building's wall, parallel to the river, until such extensions of said line intersects the side and/or rear property line or encircles the building. Such river wall line shall follow and include the indentations of the building. If a building has a rounded front, the river wall line corners shall be the points closest to the side property lines (see Appendix B, Figure 2). Term is similar in concept to definition of street wall line in Land Development Code 113.0103.

- (h) **River Yard** - the area of a lot which lies between the river wall line and the 100 year floodway line (see Appendix B, Figure 2). **Term is similar in concept to definition of street yard in Land Development Code 113.0103.**
- (i) **Step back** - the horizontal separation between two major vertical elements, occurring at upper levels of a structure.

Section 2. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 14, Division 2, Sections 1514.0201, 1514.0202, 1514.0203, 1514.0204 and 1514.0205, to read as follows:

Article 14: Mission Valley Planned District

Division 2: Permits and Procedures

§1514.0201 Permit Application, Review and Issuance

- (a) General
 - (1) No permit shall be issued for the erection, construction, conversion, alteration, enlargement or establishment of any structure, sign or use or for the grading of any project located within the Mission Valley Planned District until approval of the City Manager has been obtained by the applicant.
 - (2) The City Manager shall process sign permits and review sign plans submitted as part of a Mission Valley Development Permit. Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations) apply. When the sign permit is a part of a required discretionary permit the decision maker for that discretionary

permit must also approve the sign permit. Deviations from the Sign Regulations may be approved through a discretionary permit.

- (3) The Mission Valley Community Plan and the Mission Valley Financing Plan are companion documents to the Mission Valley Planned District Ordinance. The guidelines of the community plan have been restated in the Mission Valley Planned District Ordinance. The financing plan details the funding sources and phasing plan for necessary public facilities.

(b) Exemption for Interior and Exterior Modifications, Repairs and Alterations

- (1) Interior modifications, repairs or remodeling that do not involve a change of use are exempt from the Mission Valley Planned District Ordinance.
- (2) Interior modifications, repairs or remodeling involving a change of use are exempt from the Mission Valley Planned District Ordinance if the change does not increase existing levels of traffic generation or does not increase traffic generation over Threshold 1 (Section 1514.0301(d)(1)).
- (3) Minor additions, exterior repairs or alterations to conforming or previously conforming uses are not required to process a Mission Valley Development Permit, if such projects do not increase existing levels of traffic generation or do not increase traffic generation over Threshold 1 (Section 1514.0301(d)(1)). All such

projects shall: 1) improve or maintain the degree of conformance of an existing site with the design standards of the Mission Valley Planned District Ordinance and development standards of the Mission Valley Planned District Ordinance; and 2) be reviewed by the City Manager. A minor addition is defined as any construction project consisting of less than 20 percent of the building gross floor area to a maximum of 5,000 square feet. Any addition taking place after November 14, 1989, shall cumulatively count toward this 5,000-square-foot maximum. With respect to auto dealerships, a minor addition (less than 20 percent) may be up to a maximum of 12,000 square feet provided that provisions of this paragraph are satisfied.

- (4) In order to determine the traffic generation of the proposal, the applicant must submit a Mission Valley Traffic Assessment application with the required fee and the following information:
 - (A) the gross site acreage and the Hillside Review acreage if applicable; and
 - (B) the purpose for which the proposed building structure or improvement is intended to be used; and
 - (C) the existing and proposed square footage of commercial or industrial uses, the number of rooms for hotel uses, and the number of dwelling units for residential uses as appropriate.

(c) Ministerial Permit Review

- (1) Applications for building permits shall be made pursuant to Land Development Code Chapter 12, Article 9, Division 2 (Building Permit Procedures) and shall be reviewed by the City Manager for conformance with the development standards of the Mission Valley Planned District Ordinance. Applications for variance to the development standards of the Mission Valley Planned District Ordinance shall be made pursuant to Land Development Code Chapter 12, Article 6, Division 8 (Variances Procedures).
- (2) The City Manager shall approve a ministerial Mission Valley Development Permit, in accordance with Process One, if the application is determined to be complete, in conformance with all City regulations, policies and guidelines, and is in conformance with the criteria of the Mission Valley Planned District Ordinance including the standards contained in the applicable Mission Valley Planned District Zone and in the Special Regulations (see Chapter 15, Article 14, Division 4).
- (3) If the project does not qualify for ministerial permit issuance, the applicant shall process the project through the discretionary Mission Valley Development Permit process.
- (4) Ministerial Permit Exceptions
 - (A) Exceptions to the Mission Valley Planned District Ordinance regulations may be approved or denied by the

City Manager, in accordance with Process Two, when the application is for limited relief in the case of new construction or remodeling which would result in a finished project (all structures on the premises) deviating 20 percent or less from applicable development regulations including, but not limited to, required yards, offsetting planes, and roof treatment. However, the City Manager may require additional sidewalk and parkway area, and additional landscaping that may be feasibly placed in the street yard or parkway according to City-wide landscape standards; and the addition or improvement must not increase the degree of nonconformity with the design requirements of the Mission Valley Planned District Ordinance. The City Manager's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0504.

- (B) The City Manager shall in no case grant exceptions when the application is for deviation from traffic generation, transit reservations, or new construction of previously conforming land uses in excess of 5,000 square feet or 12,000 square feet gross floor area for auto dealerships.

- (5) Exceptions other than provided by Section 1514.0201(c)(4)(A), to ministerial permits may be approved, conditionally approved or denied by a Hearing Officer, in accordance with Process Three. The Hearing Officer may approve the exception when due to special conditions; or exceptional characteristics of the property, or of its location or surroundings; strict interpretation of the criteria of the Mission Valley Planned District Ordinance would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the Mission Valley Planned District Ordinance. Exceptions shall not be granted that will be detrimental to the intent of this Mission Valley Planned District Ordinance, or to the general public health, safety and general welfare. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

(d) Discretionary Mission Valley Development Permit

- (1) A discretionary Mission Valley Development Permit may be approved, conditionally approved or denied, by a Hearing Officer, in accordance with Process Three, when any one or more of the following situations is applicable (see Table 1514-02A).

- (A) The combined existing and proposed uses on site exceed the Threshold 1 Average Daily Trip (ADT) allocation as stated in the Mission Valley Development Intensity

- Overlay District (see Section 1514.0301) with exemptions listed in paragraph (b) of this subdivision; or
- (B) The proposal is fully or partially sited in the San Diego River subdistrict, (see Section 1514.0302 and Appendix E); or
 - (C) The proposal is located in the Hillside subdistrict north of Friars Road or contains acreage in "steep hillsides," as defined in Land Development Code Section 113.0103, south of I-8; or
 - (D) The proposal is located in the Multiple Use (MV-M) Zone (see Section 1514.0307); or
 - (E) The proposal includes above or below grade structured parking.
- (2) Except as otherwise noted in the Mission Valley Planned District Ordinance, an application for a discretionary Mission Valley Development Permit 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). In no case shall an application for a city-wide planned development permit replace the requirement for a Mission Valley Development Permit.

Sign plans shall be a required element of a Mission Valley Development Permit application submittal. Allowable signage shall be contained within permit conditions.

- (3) The Hearing Officer may approve or conditionally approve a discretionary Mission Valley Development Permit if the application is determined to be complete, and in conformance with all applicable City Council adopted regulations, policies and guidelines, and if it is found from the evidence presented that all of the following facts exist:
 - (A) The proposed development is consistent with the Mission Valley Community Plan and the Progress Guide and General Plan; and
 - (B) The proposed development provides the required public facilities and is compatible with adjacent open space areas; and
 - (C) The proposed development meets the purpose, intent and criteria of the Mission Valley Planned District Ordinance including the applicable "Guidelines for Discretionary Review" adopted as a part of this planned district; and
 - (D) The proposed development will comply with all other relevant regulations in the San Diego Municipal Code.
- (4) On an individual project basis, the criteria of the Mission Valley Planned District Ordinance may be increased or decreased if

approved by the City Manager when **one** or more of the following situations is applicable: 1) due to special conditions, or exceptional characteristics of the property, or of its location or surroundings, strict interpretation of the criteria of the **Mission Valley** Planned District **Ordinance** would result in unusual difficulties or unnecessary hardship or would be inconsistent with the general purpose of the **Mission Valley** Planned District **Ordinance**; 2) a superior design can be achieved by altering the adopted standards; or 3) conformance with the "Guidelines for Discretionary Review" necessitates deviation from the adopted standards.

- (5) A proposal that exceeds the Threshold 2 ADT allocation shall require a community plan amendment unless the findings stated in Section **1514.0301(d)(3)** are met. A Mission Valley Development Permit shall be processed concurrently with or subsequent to said amendment.

Table 1514-02A
Major Categories - Mission Valley Development
Permit Processing

Ministerial Permit	Discretionary Permit	Discretionary Permit and Plan Amendment
Traffic Threshold 1 and, Outside of River and Hillside Subdistrict ⁽¹⁾ and, Not in Multiple Use Zone	Traffic Threshold 2 or, Inside River or Hillside Subdistrict ⁽¹⁾ or, In Multiple Use Zone	Traffic Threshold 2 or, Land Use Designation change or Other Plan Inconsistency

Footnote for Table 1514-02A

¹ Discretionary permit exemption for properties located south of I-8 as described in Sections **1514.0201(c)** and **(d)**.

§1514.0202 Special Review Processes

- (a) Specific Plan Requirement. Specific plans should only be required when a project site is 10 or more acres in size and the City Manager determines that a specific plan is necessary to ensure adequate provision and phasing of public facilities and amenities. The decision of the City Manager shall be final.
- (b) Amendments to Approved Projects. Amendments to approved specific plans, development agreements, and planned development permits shall be reviewed on a case-by-case basis. The Mission Valley Planned District Ordinance shall be used as a standard upon which to evaluate the proposed amendments but variations from the criteria of the Mission Valley Planned District Ordinance may be considered so as to accommodate flexibility.
- (c) Substantial Conformance Findings. All development plans submitted pursuant to an approved specific plan, development agreement, or planned development permit shall be subject to a written finding of substantial conformance with the approved specific plan by the City Manager, and said finding shall be final. Requests for a determination of substantial conformance shall be accompanied with a required deposit.
- (d) Conditional Use Permits (CUP). Uses permitted by CUP shall be processed as a combined Mission Valley Development Permit/CUP according to the provisions of the Mission Valley Planned District Ordinance.

§1514.0203 Public Facilities, Structures and Areas

All public projects, facilities, open spaces, streets, sidewalks, street furniture, street signs, lighting, installations, and other incidental structures or monuments shall conform to the purpose and intent of **the Mission Valley Planned District Ordinance**, and shall be subject to the same regulations, conditions and standards established herein.

§1514.0204 Transfer of Development Intensity

- (a) A transfer of development intensity shall be permitted within a Development Intensity District when such a transfer will not inhibit attainment of the environmental and design criteria contained in this district, and a mechanism exists to maintain the terms of the transfer in perpetuity.
- (b) In addition to the conditions stated above, transfers among Development Intensity Districts may be permitted when such transfers will not increase environmental impacts over what was anticipated in the adopted community plan. A request for a transfer of development intensity among districts shall be accompanied by a traffic study to be reviewed by the City Engineer.
- (c) All transfers of development intensity are subject to the approval through the processing of a specific plan or discretionary Mission Valley Development Permit.

§1514.0205 Permit Compliance Program

All applicants who obtain a discretionary Mission Valley Development Permit shall be subject to a Permit Compliance Program (to be established by the City) which shall provide for, but not be limited to, the following measures:

- (a) Compliance reports prepared and submitted by applicant to the City;
- (b) Failure or refusal to furnish reports or falsifying any information therein shall be a misdemeanor and subject to civil penalties;
- (c) The City may issue mandatory compliance orders or cease and desist orders for any actual violation of the permit granted.

Section 3. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 14, Division 3, Sections 1514.0301, 1514.0302, 1514.0303, 1514.0304, 1514.0305, 1514.0306 and 1514.0307, to read as follows:

Article 14: Mission Valley Planned District

Division 3: Zoning and Subdistricts

§1514.0301 Development Intensity Overlay District

- (a) Purpose

It is the purpose of this overlay district to limit development intensity to the levels allowed under the adopted community plan.

- (b) Boundaries

The Development Intensity Overlay District covers the entire Mission Valley community planning area and that portion of the Linda Vista community adjacent to Friars Road (see map, Appendix D). This overlay

district is composed of three traffic areas (Area 1, Area 2, and Area 3) and thirteen traffic districts (DIDs A-M).

(c) Development Intensity Determination

- (1) Development intensity shall be limited by the number of average daily trips (ADT) generated by the existing and proposed land uses of any development proposal.
- (2) Development Intensity Factors (see Table 1514-03B) will be used to calculate the number of ADTs generated by any given land use. In order for trip generation rates listed in Table 1514-03B to change, they must be amended in this document.
- (3) For land uses listed in Table 1514-03B, the development intensity of each project shall be determined, in accordance with the provisions of the Mission Valley Planned District Ordinance during permit review.
- (4) For land uses not listed in Table 1514-03B, the document entitled “Definitions of Land Use Categories” shall be the basis for determinations by the City Manager regarding interpretation of the land uses and development intensity of each project. This document is on file in the Transportation and Traffic Engineering Division of the Engineering Department of The City of San Diego.

(d) Development Intensity Thresholds

- (1) Threshold 1 - Ministerial Mission Valley Development Permits

Threshold 1 allocations are delineated by Area 1, Area 2, and Area 3 as described below (see map Appendix D). The ADTs assigned to these three areas represent the per acre traffic levels allowed under the adopted community plan based on the existing Mission Valley street system. Projects which would generate average daily trips below the level established by Threshold 1 shall be processed ministerially under the **Mission Valley** Planned District **Ordinance** if the criteria of Section **1514.0201(c)** are met.

- (A) Area 1 - 150 ADT per gross acre for projects in the area lying north of the centerline of Interstate 8, and west of the center line of State Route 163 except for any project lying within a "steep hillside" as defined in Land Development Code Section 113.0103. Land acreage within a "steep hillside" shall not be used to calculate the ADT allocation.
- (B) Area 2 - 140 ADT per gross acre for projects in the area lying north of the centerline of Interstate 8 and east of the center line of State Route 163, except for any project lying within the steep hillsides as stated in Section **1514.0301(d)(1)(A).**
- (C) Area 3 - 200 ADT per gross acre for projects in the area lying south of the centerline of Interstate 8 except for any project lying within the steep hillsides as stated in Section **1514.0301(d)(1)(A).**

(2) Threshold 2 - Discretionary Mission Valley Development Permit

(A) Threshold 2 allocations are delineated by 13 Development

Intensity Districts (DID) as set forth in Table 1514-03A

(Development Intensity Districts) and shown on the

Development Intensity District Map in Appendix D. Any

new project or addition to an existing project which would

cause the entire site to generate traffic in excess of that

provided by Threshold 1 but not exceeding the limits

established by Threshold 2 shall be processed as a

discretionary Mission Valley Development Permit.

(B) LRT Bonus - the "Hearing Officer" may permit increased

development over the DID allocation along the light rail

transit corridor where the project site design reflects the

proximity to an LRT station through placement of

pedestrian paths, pedestrian signage, building orientation or

other means, and any portion of the proposed structure(s)

that would receive the density bonus is located within 1,500

feet of an LRT station.

Table 1514-03A
Development Intensity District

Trips Per Gross Acre		
District	Threshold 1	Threshold
A	150 ⁽¹⁾	338 ⁽¹⁾
B	150	263
C	150 ⁽¹⁾	417 ⁽¹⁾
D	200 ⁽¹⁾	380 ⁽¹⁾
E	140 ⁽¹⁾	353 ⁽¹⁾
F	140 ⁽¹⁾	140 ⁽¹⁾
G	140	344
H	140	323
I	140	571
J	200 ⁽¹⁾	671 ⁽¹⁾
K	200 ⁽¹⁾	424 ⁽¹⁾
L	140	267
M	140	157

Footnote for Table 1514-03A

¹ Excluding acreage within steep hillsides.

(3) Traffic in Excess of Threshold 2 - Mission Valley Development
 Permit and Community Plan Amendment or Exception

(A) Any new project, or addition to an existing project which would cause the entire site to generate traffic in excess of the traffic allocations established by Threshold 2, shall be processed as a community plan amendment and satisfy the following submittal requirements in addition to those of the Mission Valley Development Permit:

- (i) A traffic study shall be prepared identifying the traffic impacts and mitigation required by the project.

- (ii) An environmental study shall be prepared in accordance with CEQA.
- (B) Exceptions to the allocations established by Threshold 2 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. The Hearing Officer may approve an exception on a limited basis, without processing a community plan amendment when all of the following findings can be made:
 - (i) The increase in traffic generated by the proposed development will not lower, by any increment, the level of service of affected streets and freeways from what was anticipated in the community plan; and
 - (ii) Accommodation of the traffic generated by the proposed development will not alter the circulation network identified in the adopted Mission Valley Community Plan; and
 - (iii) An approved light rail transit or other regional or intra-valley public transit system station is identified within 1500 feet of any portion of the

proposed structure that would receive the density
bonus; and

- (iv) All other public facilities can accommodate the
increased intensity in land use; and
- (v) The increased intensity in land use does not
adversely affect access to, views of, or preservation
of community plan identified open space areas.

Legend to Table 1514-03B

Symbol in Table 1514-03B	Description of Symbol
d.u.	Dwelling Units
sq.ft. gfa	Square Feet of Gross Floor Area

Table 1514-03B
Development Intensity Factors

Use	Rate/Units
Residential	
Single-family	10 trips per d.u.
Multi-family (under 30 du/ac)	8 trips per d.u.
Multi-family (30 or more du/ac)	6 trips per d.u.
Offices	
Commercial Office (under 100,000 sq. ft. gfa)	20 trips/1000 sq.ft. gfa
Commercial Office (100,000 or more sq. ft. gfa)	16 trips/1000 sq.ft. gfa
Retail	
Neighborhood Shopping Center (under 100,000 sq. ft. gfa)	60 trips/1000 sq.ft. gfa
Community Shopping Center (100,000 - 225,000 sq. ft. gfa)	49 trips/1000 sq.ft. gfa
Regional Shopping Center	
(over 1,250,000 sq. ft. gfa)	25 trips/1000 sq.ft. gfa
(1,000,000-1,250,000 sq.ft. gfa)	30 trips/1000 sq.ft. gfa
(500,000-1,000,000 sq.ft. gfa)	32 trips/1000 sq.ft. gfa
(225,000-500,000 sq.ft. gfa)	51 trips/1000 sq.ft. gfa
Freestanding Retail/Strip Commercial	40 trips/1000 sq.ft. gfa
Restaurants	40 trips/1000 sq.ft. gfa
Hotel/Motel	8 trips/room
Automobile Dealer	30 trips/1000 sq.ft. gfa building area
Health Club	45 trips/1000 sq.ft. gfa
Rental Storage	2 trips/1000 sq.ft. gfa
Industry	
Small Industry (under 100,000 sq.ft. gfa)	14 trips/1000 sq.ft. gfa
Large Industry (100,000 or more sq.ft. gfa)	8 trips/1000 sq.ft. gfa
Small Industrial/Business Park (under 100,000 sq.ft. gfa)	18 trips/1000 sq.ft. gfa
Convalescent Hospital	3 trips/bed
Four-year College	2.8 trips/student
High School	1.5 trips/student
Jr. High School	1.0 trips/student
Elementary School	1.4 trips/student

§1514.0302 San Diego River Subdistrict (“River Subdistrict”)

(a) Purpose

It is the purpose of this subdistrict to ensure that development along the San Diego River takes place in a manner complementary to flood control, wetlands management, urban design and open space criteria contained in the Mission Valley Community Plan.

(b) Boundaries

The San Diego River Subdistrict includes the portions of the San Diego River in the OF-1-1 Zone (Land Development Code Chapter 13, Article 1, Division 2 [Open Space Zones]) and land within 150 feet of this zone (see Appendix E). The criteria of this subdistrict apply to any project fully or partially within these boundaries.

(c) Buffer

- (1) A 35-foot minimum average width buffer extending away from the San Diego River, measured from the 100-year floodway line on both sides of the river shall be provided. This buffer area shall accommodate both biological buffer and transitional buffer zones. The floodway line and buffer areas must be identified on all river subdistrict plans.
- (2) Biological Buffer. The biological buffer shall include a 10-foot minimum width area between the 100-year floodway line and the

river side of the river path and shall be planted with indigenous vegetation and shall not include the river path.

- (3) Transitional Buffer. The transitional buffer shall include that area of the buffer between the river wall line and the biological buffer. This area shall accommodate a 10-foot minimum width meandering river path on both sides of the river which shall run continuously throughout Mission Valley. On a constrained site, the river path may be subject to periodic flooding (see Appendix B, Figure 1).

- (4) Within the transitional buffer, on the river wall side of the river path, only the following uses may be considered:
- (A) Passive recreation;
 - (B) Active recreation at the discretion of the City Manager; and
 - (C) Sidewalk cafes/outdoor dining
- (5) Parking and vehicular access areas are not permitted within the buffer areas.

(d) Wetlands Management

The criteria of the San Diego River Wetlands Management Plan (Mission Valley Community Plan Appendix G) shall be applied within the River Subdistrict.

(e) River Setback and Yard

- (1) To provide for low scale buildings adjacent to the river that increase in height away from the river (see Appendix B, Figures 2 and 3):
 - (A) Structures shall be designed to setback from the 100-year floodway line 1.2 feet for every 1 foot of height within 150 feet of the OF-1-1 Zone, with a minimum setback of 30 feet (see Appendix B, Figure 2).
 - (B) A maximum of 50 percent of the building wall may be located on the minimum 30-foot building setback from the OF-1-1 Zone.
 - (C) Where river and street setbacks overlap, the requirements of the river setback shall prevail.
- (2) A minimum of 80 percent of the area within the river yard (the area between the river and the adjacent structures, see Section 1514.0104), exclusive of the river path and any LRT facilities, shall be landscaped in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (3) Parking and vehicular access, excluding light rail transit (LRT) track and station right-of-way, shall be prohibited in the biological buffer and river yard area. Exceptions to this paragraph may be pursued through the Discretionary Mission Valley Development Permit process.

(4) The provisions of this section may be modified to permit construction of parking structures in existing paved parking areas only when required parking will be lost due to public improvements such as streets, LRT construction, flood management improvements and wetlands enhancement. A minimum 50 foot wide buffer between the floodway and abutting development and improvements shall be provided in accordance with the wetlands management element of the Mission Valley Community Plan. Such parking structures shall only be permitted after discretionary review, including design review, with attention to providing a favorable pedestrian environment complementary to the river path, and approval.

(f) Maximum Structural Development Coverage

The maximum structural development coverage within 150 feet of the FW Zone shall be 50 percent.

(g) Other Setbacks

Refer to the underlying **Mission Valley** Planned District land use zone for street, property side, and rear setbacks.

(h) Reflectivity

No portion of any single elevation of a building's exterior facing the river may be constituted of a material with a light reflectivity factor greater than 10 percent unless specific documentation is provided indicating that a greater reflectivity will not diminish the quality of riparian habitat.

(i) Pedestrian/River Orientation

All development with river frontage shall be physically and functionally oriented to the river as follows:

- (1) To increase accessibility to the river path, fencing separating developed areas from the biological buffer shall not be permitted, and structures adjacent to the buffer or river path shall contain at least one pedestrian entrance visible from the river path into the structure for every 300 linear feet, or fraction thereof, of river frontage measured along the property line. The pedestrian entrance shall not be the primary project entrance.
- (2) To increase interest at the ground floor level of structures adjacent to the river, the pedestrian path orientation criteria found in Section 1514.0305(f)(2) shall apply.

(j) Signage

The Coastal Regulations of the Sign Regulations in Land Development Code Chapter 14, Article 2, Division 12, apply to all signs erected within 150 feet of the OF-1-1 Zone. All on premises signs in conformance with the criteria of this subdistrict, shall be removed without compensation to the sign owner upon completion of a 15 year amortization period commencing on the date of adoption of the Mission Valley Planned District Ordinance.

(k) Lighting

Any artificial lighting shall be directed or shaded to avoid falling onto the biological buffer and wetlands habitat areas and adjacent properties not held in the same ownership.

(l) **River Subdistrict** Guidelines for Discretionary Review

(1) Criteria for Development Adjacent to the Floodway:

- (A) Provide unrestricted physical access to the river path and visual access to the wetlands corridor within the floodway zone.
- (B) Limit uses within the biological buffer area to passive recreational uses. Discourage direct access from the buffer into the wetlands through strategic placement of specialized plantings.
- (C) Design buildings to terrace or step down toward the wetlands. Low-story buildings should be located closest to the floodway channel to allow a wider flight path for birds. Buildings should be of a mass and scale that permits access to and views of the river.
- (D) Locate wide pedestrian areas and landscaping along the river.
- (E) Use building materials such as wood, stone, and glass with low reflectivity factors to enhance the aesthetic and biological value of the river.

- (F) Permit commercial or active recreation uses adjacent to the river corridor if located outside of the biological buffer area.
 - (G) Site buildings, landscaping and roads to provide view corridors to and across the river from sidewalks, public roads, freeways and mesas.
 - (H) Pedestrian and bikeway access shall be provided to the buffer area along the entire length of the river, with lookouts. Provide walkways on the major street crossings of the river. Ensure direct pedestrian links to the river path and to public streets parallel to the river from developments located in the River Subdistrict.
 - (I) Landscape local streets near the San Diego River with species that are compatible with native vegetation.
 - (J) The river path should include fitness stations, viewing or rest areas and exhibit areas. Developers of the river path should use compatible materials, landscaping, and street furniture to create smooth transitions between adjacent projects.
- (2) View Enhancement
- (A) Arrange street alignment, building setbacks, building spacing and landscaping to create ground level view

corridors from public streets and sidewalks into the river corridor.

- (B) Preserve views from the hillsides into the river area through building height, spacing and bulk considerations.
- (C) Sight line studies may be necessary to determine view corridors.

(3) Flood Protection

- (A) Permit modification and realignment of the existing OF-1-1 Zone to create additional developable areas through channelization when the proposed channel will carry the 100-year flood, maintain constant water flow velocity, provide erosion protection, and implement community plan wetlands management and urban design criteria.
- (B) The river channel should carry the 100-year frequency flood at velocities no greater than 7 feet per second. With vegetated sides, scouring of the channel should not occur at this velocity.
- (C) Individual projects proposing modifications to the existing OF-1-1 Zone shall not cause the existing water velocities passing through adjacent properties to be increased.
- (D) The San Diego River floodway should be unlined and soft-bottom with sloping, vegetated sides.

- (E) All land development and building permits within the hundred-year flood plain shall comply with Council Policy 600-14.
 - (F) River channelization shall be compatible with, and result in, no increase in water surface elevations of the hundred-year floor flow in existing upstream and downstream channels or flood control facilities. Channelization plans shall take into consideration the ultimate upstream and downstream flood control facilities and be easily adaptable to future extension of flood control works.
- (4) Wetlands
- (A) No net reduction of wetlands habitat may occur with Mission Valley build-out.
 - (B) Do not reduce wetlands in designated conservation areas.
 - (C) Provide a continuous band of wetlands along both sides of the river.
 - (D) Protect riparian woodland habitat.
 - (E) The light rail transit line should not encroach into wetland buffer areas.
- (5) Mitigation
- (A) The OF-1-1 Zone boundary encompasses a sensitive resource area where no modification should occur unless

mitigation is accomplished in agreement with the Wetlands Management Plan (see Mission Valley Community Plan pp. G-59 - G-62, for habitat development guidelines).

- (B) All modifications in the river area must be accompanied by a mitigation program to ensure that each habitat type (open water, marsh, and riparian woodland) is not quantitatively reduced, and that any revegetation will result in a qualitative improvement over existing conditions. A mitigation monitoring program shall also be required.
- (C) There shall be a binding mechanism to implement, maintain and monitor privately funded mitigation efforts to ensure preservation of habitat areas.
- (D) Mitigation is required for any loss of existing floodway (wetlands or non-wetlands), concurrent with or in advance of floodway loss.
- (E) Wetlands mitigation shall consist of habitat conversion, improvement of degraded wetlands, and replacement of total wetlands and individual habitat type. The type and quantity of mitigation will be determined on a project specific basis.
- (F) Mitigation shall occur within the same segment of the river where the impact has occurred. Where this is not possible, mitigation should be elsewhere within the study area.

- (G) Mitigation of habitat areas not classified as wetlands may be accomplished through conversion of dry land to wetlands.
 - (H) Areas that have been designated for conservation, previously restored, or identified as high quality areas, are not available as mitigation sites.
 - (I) San Diego River Sections 1 and 5 as identified on pages G-23 and G-45 of the Mission Valley Community Plan should be used to mitigate City projects.
 - (J) Developers must have a qualified biologist conduct a biological survey and prepare a detailed vegetative map and revegetation/mitigation plan to be approved by the City.
- (6) Project Processing
- (A) The Wetlands Management Plan accounts for a limited number of river crossings and other development impacts. Project proposals that reflect this scenario are considered consistent with the Wetlands Management Plan as long as development follows the policies, guidelines and criteria outlined in the plan.
 - (B) Compensation for wetlands impacts resulting from road improvements will be tied to responsibilities for road construction.

- (C) The City will be responsible for mitigating impacts to wetlands resulting from any stadium project.
- (D) Pilot channel construction is subject to Wetlands Management Plan criteria.
- (E) Federal and state agencies exercise permit and agreement authority over projects which involve dredging and filling, or alteration of the river.

§1514.0303 Hillside Conservation, Design and Height Limitation Subdistrict (“Hillside Subdistrict”)

(a) Purpose

The purpose of these regulations is to ensure that land development projects in hillside areas will respect, preserve and/or recreate hillside areas.

(b) Boundaries

The Mission Valley Hillside Subdistrict shall apply to portions of the community north of Friars Road and south of Interstate 8 (see Appendix E).

(c) Southern Slopes

- (1) Height Limitation - buildings and structures located south of Interstate 8 shall be limited to a height 40 feet above preexisting or finished grade, whichever is lower.

- (A) Exceptions. Exceptions to the 40-foot height limitation may be approved up to 65 feet in height provided that all of the following standards are met:
 - (i) All natural existing hillside vegetation and topography shall be preserved; and
 - (ii) Any previously graded hillsides shall be recontoured into a naturalistic form and revegetated with indigenous plants; and
 - (iii) Buildings and structures shall be designed and sited so that a minimum 30-foot-wide open public view corridor is created to the hillside from adjacent public streets and freeways.
 - (B) Structures over the 65-foot building height level may be permitted to allow construction of unique architectural features, such as a steeple, and which do not contain occupied floor area, mechanical equipment, or signage.
- (2) Steep Slope Lands
- (A) Steep slope lands are defined as all land having a naturally formed or naturally appearing gradient of 25 percent or greater, based on 5-foot contour intervals, with a minimum elevation differential of 25 feet. Steep slopes do not include manufactured slopes which have been graded pursuant to a validly issued development permit.

- (B) Development shall not be permitted in steep slope lands, except as indicated in Table 1514-03C.

Table 1514-03C
Encroachment into Steep Slopes

Percentage of Parcel in Steep Slopes	Maximum Encroachment Allowance as Percentage of Area in Steep Slopes
75% or less	10%
80%	12%
85%	14%
90%	16%
85%	18%
100%	20%

(3) Preservation of Steep Slopes

- (A) Development, including road construction, above the 150-foot contour line shall not occur.
- (B) Negative open space easements may be required as a condition of approval for lots or portions of lots containing steep slopes.
- (C) Landscaping - slopes disturbed during construction shall be revegetated in accordance with City-wide standards.
- (D) Lot splits are prohibited on steep slopes.

(4) Signage

- (A) Ground signs greater than 40 feet in height shall not be permitted south of Interstate 8, automobile dealerships may utilize ground signs not exceeding 50 feet in height, except pursuant to a variance approved, in accordance with Land Development Code Chapter 12, Article 6, Division 8 (Variance Procedures). Nothing contained in the Mission

Valley Planned District **Ordinance** or the Land

Development Code Sign Regulations shall preclude on premises directional signs identifying products or services located on the premises; no such directional sign shall exceed **2** square feet in area. All on premises signs in conformance with the Land Development Code Sign Regulations, but not in conformance with the criteria of this subdistrict, shall be removed without compensation to the sign owner upon completion of a **15** year amortization period commencing on the date of adoption of **the Mission Valley** Planned District **Ordinance**.

(B) Roof top signs shall be prohibited.

(d) Northern Slopes

- (1) Grading - natural appearing slopes and contours should be recreated through variable slope gradients not exceeding a 2:1 ratio.
- (2) Revegetation - hillside rehabilitation areas shall be revegetated with indigenous plantings per adopted city landscape standards.
- (3) Reclamation - all reclamation plans must be in conformance with Section 2772 of the Surface Mining and Reclamation Act of 1975.

(e) **Hillside Subdistrict** Guidelines for Discretionary Review

- (1) General

- (A) Orient development towards the valley and take access to Mission Valley projects from roads that do not extend above the 150-foot elevation contour.
 - (B) Preserve the natural landform and greenbelt of the southern hillsides and rehabilitate the northern hillsides.
 - (C) Cluster development to retain as much open space as possible.
 - (D) Preserve natural topographic features such as drainage courses, rock outcroppings, slopes and trees.
 - (E) Design buildings and parking areas to fit the natural terrain and improve the appearance of understructures.
 - (F) Design buildings at the base of slopes to emphasize a low profile rather than a vertical orientation. Buildings should step or slope with landscaping to protect views of and from the hillsides.
- (2) Southern Slopes
- (A) Preserve existing natural slopes, use the natural slopes as a backdrop and guide to building form.
 - (B) Cluster, contour and terrace structures into sites to preserve the form of the slopes.
 - (C) Cluster development in disturbed or sparsely vegetated portions of the slope.

- (D) Design automobile access to minimize hillside disruption.

To avoid excessive grading, locate automobile access adjacent to street access and separated from habitable building sections. Linkages from the street to the building should be made through pedestrian ways or bikeways.

(3) Northern Slopes

- (A) Develop near the base of the slope. Building height and

setbacks should be designed to create a band of visible open slope areas landscaped according to Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) between the ridge line and building roofs that mirror the greenbelt effect of the southern hillsides.

- (B) Development beyond the base of the hillsides should be low in profile.

- (C) Adapt building and parking areas to the terrain. Minimize the visual impact of buildings by terracing them up or down a slope, providing view corridors through them and terracing outdoor deck areas.

- (D) Sharp angular land forms should be rounded and smoothed to blend with the natural terrain.

- (E) Control runoff from construction sites.

- (F) Control erosion by minimizing the area of slope disturbance and coordinating the timing of grading, resurfacing, and landscaping where disturbance does occur.
- (G) Revegetate graded slopes in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

§1514.0304 Residential Zones (MVR-1, MVR-2, MVR-3, MVR-4, MVR-5)

(a) Purpose

To provide for multiple-family residential development that meets community plan design guidelines at densities consistent with the Development Intensity Overlay District. These regulations are intended to create architectural interest and usable exterior open areas in residential developments.

(b) Permitted Uses

- (1) No building or improvement, or portion there of, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premise be used except for one or more of the uses listed for applicable zones in **Table 1514-03D**.
- (2) Neighborhood serving commercial uses as shown in Land Development Code Section 131.0522 (CN Zones) may occupy up to 25 percent of the ground floor area of residential developments in the MVR-4 and MVR-5 Zones.

Legend for Table 1514-03D

Symbol in Table 1514-03D	Description of Symbol
-	Not Permitted
P	Permitted
L	Subject to Limitations
CUP	Conditional Use Permit

Table 1514-03D
Residential Zones Use Table

PERMITTED USES	ALL RESIDENTIAL ZONES
Residential/Compatible Residential	P
Single-family dwellings	P
Boarding and Lodging houses	P
Temporary Real Estate Offices/Model Homes new Subdivisions	P
Institutions/Home - full time child care (Maximum 15 children under 16 years)	CUP
Residential Care Homes for 7 or more clients	CUP
Residential Care Homes for 6 or fewer clients	P
Schools, limited to primary, elementary, junior high and senior high	P
Public Parks and Playgrounds	P
Churches, Temples or buildings of a permanent nature used for religious purposes	CUP ²
Branch Public Libraries	P
Fraternities, Sororities	CUP
Mobilehome Park	CUP
Mobilehome (1) Watchman	CUP
Housing for the elderly	CUP ³
Neighborhood Commercial uses per Section 101.0426	L ^{1,4}
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.	

Footnotes for Table 1514-03D

¹ Uses shall be limited to twenty-five percent (25%) of the gross floor area of permitted uses within the project area. Variances to increase this percentage may be requested.

² Permitted in the MVR-3, 4 and 5 Zones only.

³ Neighborhood Commercial uses are limited to twenty-five percent (25%) of the ground floor area of residential developments in the MVR-4 and MVR-5 zones, and are not permitted in the MVR-1, 2 or 3 Zones.

⁴ Except for Child Care Facilities in the MVR-1 Zone, where a CUP is required for more than 6 children.

(c) Density Regulations

Maximum residential density is based on the Mission Valley Development Intensity District trip allocation (see Section 1514.0301) and expressed in dwelling units per gross acre (du/ac), exclusive of Hillside Review acreage, as indicated in Table 1514-03E.

**Table 1514-03E
Density Regulations**

Zone	Residentially Designated Land Within Development Intensity District	Maximum Density	Minimum Lot Area (SF)/unit
MVR-1	F	18 du/ac	2420
MVR-2	M	20 du/ac	2178
MVR-3	L	45 du/ac	968
MVR-4	A/B	56 du/ac	777
MVR-4	G	57 du/ac	764
MVR-5	C	70 du/ac	622

(d) Minimum Lot Area and Dimensions

- (1) Minimum lot area (square feet) and dimensions (linear feet) are established in Table 1514-03F.

**Table 1514-03F
Minimum Lot Area and Dimensions**

Zone	Min. Lot Area (Sq. Ft.)	Street Frontage (Linear Ft.)	Interior Width (Linear Ft.)	Corner Width (Linear Ft.)	Depth (Linear Ft.)
MVR-1	6000	60	60	65	100
MVR-2	6000	60	60	65	100
MVR-3	7000	70	70	75	100
MVR-4	7000	70	70	75	100
MVR-5	7000	70	70	75	100

- (2) For any lot which fronts principally on a turnaround or on a curving street having a radius of curvature of less than 100 feet, the

minimum frontage shall be 60 percent of the number shown in the frontage column.

- (3) Exception. Any lot or parcel which does not comply with all the minimum lot dimensions set forth in **the Mission Valley Planned District Ordinance** may nevertheless be used as a building site provided the lot or parcel qualifies under the definition of lot as set forth in Land Development Code Section 113.0103 and Section 113.0237.

(e) Yard and Setback Requirements

- (1) Minimum area of street yard(s) - street yard(s) shall be provided for each lot at a minimum area calculated by multiplying the linear feet of any street frontage by a factor of 25. Where one permit area has more than one side of street frontage, the area on each street yard shall be calculated separately.
- (2) Minimum Parking and Building Setbacks- All Residential Zones **as indicated in Table 1514-03G.**

Table 1514-03G
Minimum Parking and Building Setbacks

Yard Location	Minimum Dimensions (Linear Ft.)
Street	15
Property Side	10
Rear	15

- (3) Incremental Building Setback - The minimum setback and street yard factor shall be increased by **0.25** feet for each foot of building elevation over 24 feet. The property side and rear setbacks shall be

increased by 0.2 feet for each foot of building elevation over 24 feet. Parking is permitted in the incremental setback areas.

(f) Open Area - Exterior Usable Open Area

(1) Definition

(A) Exterior usable open area shall be composed of moderately level land with a gradient of less than 10 percent. Usable open area shall not be located within required building setbacks but may include gardens; courtyards; terraces; roof-decks; recreation facilities; swimming pools and spas with associated decking; private exterior balconies; common exterior balconies; lawns or other landscaped areas beyond required setbacks; and walkways or pathways not subject to vehicular access. Usable open area shall be a minimum of 5 feet in each dimension (width and length).

(B) In no case may any area occupied by streets, buildings, structures, driveways, or any area intended for parking or garaging of motor vehicles or trash collection, or any pads for mechanical or electrical equipment, or any land proposed to be dedicated to the City as open space, be used to satisfy the usable open area requirement.

(2) Standards

(A) The open area provided on the property shall not be less than that shown in Table 1514-03H.

Table 1514-03H
Open Area

Zone	Usable Open Area Per D.U. (sq.ft.)
MVR-1	747
MVR-2	653
MVR-3	242
MVR-4	195
MVR-5	156

(B) All or part of the required open area may be owned in common by the occupants of the development. If open area is to be owned in common, provisions acceptable to the City shall be made for its preservation and maintenance.

(g) **Structural Development Coverage**

The maximum structural development coverage shall be 50 percent. This coverage calculation shall not include a portion of the square footage of a parking structure when the upper level of the structure is designed as usable open area which is readily accessible to the occupants. The square footage excluded from the coverage requirement shall be equal to the usable open area. However, in such cases the maximum structural development coverage should not exceed 70 percent.

(h) **Off-Setting Planes Requirement**

(1) Each building wall elevation shall have building offset variations in a minimum of 4 vertical or horizontal separations between building planes for each 100-foot length of building elevation, or portion thereof. A separation between building planes is distinguished by an average horizontal or vertical difference of 3

feet measured perpendicular to the subject plane. Within any 100-foot length of building elevation, no single plane shall total more than 50 percent or less than 20 percent of the building elevation area (see Appendix B, Figure 4).

- (2) Exception. These offsetting planes requirements may be waived for projects over 42 feet in height that meet the criteria of Section 1514.0305(g)(2).

(i) Off-Street Parking

Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

(j) Outdoor Storage

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

(k) Signs

Signs shall be in conformance with Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).

(l) Special Regulations. See Chapter 15, Article 14, Division 4.

(m) Mission Valley Planned District Residential Zones Guidelines for Discretionary Review

- (1) Provide a variety of architecturally stimulating housing types densities.

- (2) Integrate residential with commercial and service uses, but discourage visitor-oriented uses immediately adjacent to residential development.
- (3) Provide active recreation areas, common open space, child care and passive recreation amenities.
- (4) Architectural design and appearance throughout the development should be complementary.
- (5) Common areas and recreational facilities should be readily accessible to the occupants of the dwelling units.

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

(a) Purpose

The commercial zones provide for office, hotel and retail commercial uses as defined in the Mission Valley Community Plan. These regulations are intended to create well landscaped sites and a wide variety of distinctive architectural styles. The zone boundaries are coterminous with the following community plan land use designations:

- (1) Mission Valley - Commercial Office (MV-CO) District
 - (A) Applied to properties within the Mission Valley Community Plan (MVCP) Commercial-Office land use designations.
 - (B) This zone is primarily intended to provide for business and professional offices and certain allied services normally associated with such offices.

- (2) Mission Valley - Commercial Visitor (MV- CV) District
 - (A) Applied to properties within the MVCP Commercial-Recreation land use designation.
 - (B) This zone is primarily intended to provide for establishments catering to the lodging, dining, and shopping needs of visitors.
 - (3) Mission Valley - Commercial Retail (MV- CR)
 - (A) Applied to properties within the MVCP Commercial-Retail land use designation.
 - (B) This zone is primarily intended to accommodate community and regional serving retail sales establishments.
 - (4) Properties located within the community plan "Commercial Office or Commercial Recreation" land use designation may be developed according to the MV-CO Zone or the MV-CV Zone, as determined by use.
- (b) Permitted Uses
- (1) No building or improvement, or portion there of, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the uses listed for applicable zones in **Table 1514-03I**. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03I

Symbol in Table 1514-03I	Description of Symbol
-	Not Permitted
P	Permitted
L	Subject to Limitations
CUP	Conditional Use Permit

Table 1514-03I
Commercial Zones Use Table

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses	L	L	L
Advertising, Secretarial & Telephone answering services	P		L
Antique shops		P	P
Apparel shops	L	L	P
Art Stores and Galleries	L	P	P
Automobile & truck sales, Rental agencies (usable vehicles only including automobile paint, repair, body and fender work)			P
Automobile wash			CUP
Automobile paint & repair (including body and fender work)			CUP
Bakeries	L	P	P
Barber shops	L	P	P
Beauty shops	L	P	P
Bicycle shops including rental and repair	L	P	P
Boat sales/rentals agencies	P		
Book stores	L	P	P
Building materials stores			P
Business machine sales display & service	L		P
Childcare Facilities	P	P	P
Churches, Temples or buildings of a permanent nature used for religious purposes	CUP	CUP	CUP
Cleaning & dyeing works (including rugs, carpets, and upholstery) 5,000 sq. ft. or less enclosed			P
Confectioneries	L	P	P
Curtain and drapery shops			P
Custom shops for curtains, draperies, floor coverings upholstery and wearing apparel			P
Dairy stores	L	L	P
Drug stores	L	L	P
Dry cleaning establishments (no truck delivery of finished cleaning)	L	L	P
Dry cleaning & laundry agencies and self-service dry cleaning & laundry establishments	L	L	P
Dry goods stores			P
Electronic data processing, tabulating, and record keeping services	P		L
Employment agencies	P		P
Equipment and tool rental establishments (no man-ridden equipment)			P
Financial institutions over 5,000 sq. ft.	L		P
Financial institutions 5,000 sq. ft. or less	P	P	P
Florists 5,000 sq. ft. or less	P	P	P

COMMERCIAL	MV- CO	MV- CV	MV- CR
Food stores	L	L	P
Foreign Language Schools	P		P
Frozen food lockers			P
Furniture stores			P
Gift Shops	L	P	P
Gymnasium and health studios	P	P	P
Hardware stores			P
Hobby shops		P	P
Hotels, motels, and time-share projects		P	P
Interior Decorators (office & sales)	P		P
Jewelry stores	L	P	P
Leather goods and luggage shops		L	P
Liquor stores		P	P
Lithography shops			P
Locksmith shops	P		P
Medical, dental, biological, and X-ray laboratories	P		
Medical appliance sales			P
Music stores		P	P
Newspaper plants	CUP		CUP
Nurseries (plants)	L	L	P
Office furniture and equipment sales	L		P
Offices; business and professional	P	P	P
Paint and wallpaper stores			P
Palm Readers, psychic readers	P	L	P
Parking lots/structures	P	P	P
Pet shops			P
Pharmacies	L	L	P
Photographic equipment, supplies and film processing stores	L	P	P
Photographic studios	L		P
Physical Therapists	P		P
Plumbing shops 5,000 sq. ft. or less; enclosed			P
Post offices	P	P	P
Private clubs, fraternal organizations and lodges	P	P	P
Professional Schools	P		P
Public utility electric substations, gas regulators and communications equipment buildings	P	P	P
Pushcarts	Subject to Land Development Code Section 141.0619		
Radio, television and home appliance repair shops			P
Recreational facilities enclosed; including bowling lanes, skating rinks, gymnasiums, and health centers	P	P	P
Recreation Facilities - Open Air	CUP	CUP	CUP
Recycling Collection Center	L	L	P
Restaurants	P	P	P
Schools, public, private and nursery	P		P
Shoe stores		P	P
Shoe repair shops	P	P	P
Sporting goods stores	L	P	P
Stationers	L	P	P
Studios for teaching or art, dancing and music	P	L	P

COMMERCIAL	MV- CO	MV- CV	MV- CR
Theaters, Nightclubs and bars of 5,000 sq. ft. or less	P	P	P
Theaters, nightclubs and bars over 5,000 sq. ft.	CUP	CUP	CUP
Tire sales, repair and recapping establishments (if entirely within an enclosed building)			P
Trade and business schools	P		P
Trailer sales agencies			P
Transportation terminals	P	P	P
Travel bureaus	P	P	P
Union Hall (social activities) + trade associations	P		P
Union Meeting Hall, hiring hall and office			P
Variety stores	L ¹	L ¹	P
Video Sales and Rentals	L ¹	L ¹	P
Wedding chapels	CUP	CUP	CUP
Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft.			P
Any other use which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk.			

Footnotes Table 1514-03I

¹ Uses shall be limited to twenty-five percent (25%) of the gross floor area of permitted uses within the project area. Variances to increase this percentage may be requested.

² Not permitted on ground floor.

- (2) Residential uses shall not be permitted in commercial zones unless the multiple use option in Section 1514.0307(c) is utilized.
- (3) All accessory uses shall be located in the same building as the permitted use or uses which they serve. However, the foregoing regulations shall not be applicable to signs or accessory uses exclusively serving outdoor recreational activities. The combined gross floor area of all accessory uses on any premises shall not exceed 25 percent of the gross floor area of the other non-accessory permitted uses.
- (4) Automobile Repair and Paint Facilities Requirements

These requirements also apply when these uses are permitted as accessory uses, or as a part of an automobile dealership.

- (A) All repair work is to be conducted within an area screened from the view of the public right-of-way and structurally enclosed by at least three sides and a roof.
 - (B) The outdoor display and storage of supplies and equipment shall meet the requirements of **Section 1514.0305(j)**.
 - (C) Vehicular use areas and setbacks established by **the Mission Valley** Planned District **Ordinance** shall be in conformance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (c) Minimum Lot Dimensions - All Commercial Zones
- (1) Area - 5,000 square feet.
 - (2) Street frontage - 50 feet, except that for any lot which fronts principally on a turnaround or on a curving street line having a radius of less than 100 feet, the minimum frontage shall be 30 feet.
 - (3) Width - 50 feet.
 - (4) Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.
- (d) Maximum Structural Coverage

The maximum structural development coverage shall be 50 percent. This coverage calculation shall not include a portion of the square footage of a parking structure when the upper level of the structure is designed as usable open area which is readily accessible to the occupants. The square footage excluded from the coverage requirement shall be equal to the usable open area. However, in such cases the maximum structural development coverage should not exceed 70 percent.

(e) Yard and Setback Requirements

- (1) Street yards shall be provided at a minimum area calculated by multiplying the linear feet of frontage by the designated factor listed in the table below. Multiple street yards shall be calculated separately.
- (2) Building and parking setbacks shall be provided from the property line at a minimum dimension (linear feet) as stated in the Table 1514-03H.
- (3) Incremental Building Setback - Parking is permitted in the incremental setback areas. The minimum street setback and street yard factor shall be increased by 0.2 for each foot of building elevation over 24 feet.
- (4) The incremental street yard factor may be waived when the incremental setback area is satisfied by building step backs of the second or third and upper stories.

Table 1514-03H
Setbacks

Zone	Minimum Street Yard Factor	Minimum Street Yard Setbacks	Minimum Property Side Setbacks	Rear Setback ⁽¹⁾
MV-CO	20	15	10	8
MV-CV	20	15	10	8
MV-CR	15	10	10	8

Footnote for Table 1514-03G

¹

A 15-foot rear setback shall be provided if any portion of the rear lot line abuts residentially zoned or developed property, and increased 0.2 feet for every foot of building elevation over 24 feet.

(f) Street and Major Pedestrian Path Orientation

- (1) All commercial and multiple use structures shall contain an identifiable pedestrian entrance from the street into the project.

Attention should be given to safe pedestrian passage through parking areas.

- (2) In addition to the requirements in Section 1514.0305(f)(1), adjacent to Mission Valley Community Plan identified "Major Pedestrian Paths" (see Appendix B, Figure 5):

- (A) The dominant feature of all ground floor frontage of all new or reconstructed first story building walls that face a Mission Valley Community Plan identified "Major Pedestrian Path" shall be pedestrian entrances or windows affording views into retail consumer services, offices, lobby space or display windows.

- (B) Where a project is bounded on one or two sides by major pedestrian paths, parking structures shall not be located between the buildings and the major pedestrian path(s).
- (C) Where a project is bounded on three or more sides by major pedestrian paths, parking structures are not permitted between the building and two of these paths.
- (D) Exemption. Where offices are located along major pedestrian paths, the windows facing the path shall not be required to afford views into offices as stated in Section 1514.0305(f)(2)(A) when the building is setback an additional 15 feet over the required setback.

(g) Architectural Design

- (1) All projects processed ministerially shall provide offsetting planes as follows:

To break up building mass and achieve a more human scale, each building wall elevation which faces any street or river yard shall have building offset variations in a minimum of four vertical or horizontal separations between building planes for each 100-foot length of building elevation, or portion thereof. A separation between building planes is distinguished by an average horizontal or vertical difference of two feet measured perpendicular to the subject plane (see Appendix B, Figure 4). Within any 100-foot

length of building elevation, no single plane shall total more than 50 percent or less than 20 percent of the building elevation area.

- (2) All commercial or mixed-use structures processed with a discretionary permit shall provide at least two of the features listed below. Exceptions may be made to achieve a superior design as stated in Section 1514.0201(d)(4).

- (A) Slim Tower - To maximize view corridors to the river and hillside areas, the upper levels of the structure shall diminish in size to create a slimmer silhouette than the lower levels of the structure. This feature is particularly desirable for buildings over 100 feet high located along major north-south streets.
- (B) Plaza - To create a pedestrian gathering spot, provide a landscaped/hardscaped area that is open to the sky at street level and visually and physically accessible from a major pedestrian path (see Appendix B, Figure 5) or public right-of-way. The plaza should have a focal point such as a sculpture, garden or fountain and are to be located readily adjacent to the public right-of-way. This feature would be especially suited to structures located along Mission Valley Community Plan identified "Major Pedestrian Paths (see Appendix B, Figure 5)".

- (C) Roof Element - To create a unique skyline and enhance views of building tops from above flat or unusable roof area shall be minimized.
- (D) Architectural Detail - To increase interest in the community through variations in building facades, architectural detail may include, material and color variations, bay windows, awnings, columns, cornices, eaves, window casings or any combination of these or other similar elements acceptable to the City Manager.
- (E) Offsetting Surfaces - To break up building mass to achieve a more human scale, each building wall elevation which faces any street or river yard shall have building offset variations, acceptable to the City Manager.

(h) Landscaping

The regulations of Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) shall apply and shall constitute the minimum landscape requirements.

(i) Parking

Off-street parking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

(j) Outdoor Display and Storage

- (1) The following uses and listed merchandise sold or rented on the premises may be displayed and stored outdoors without screening walls or fences: artwork and pottery, flowers and plants, food products, handcrafted products and goods, recreational equipment rentals, outdoor dining facilities, off-street parking, signs and other merchandise which the City Manager may find to be appropriate. All other uses shall be operated entirely within enclosed buildings.
- (2) Outdoor storage of other merchandise, material or equipment above shall be permitted only when incidental to a permitted or accessory use located on the same premises, and provided that:
 - (A) Such storage is confined to an area not to exceed 5 percent of the gross floor area of the permitted building or buildings.
 - (B) The storage area shall be completely enclosed by solid walls or buildings or a combination thereof. Said walls and buildings shall not be less than 6 feet in height. There shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or buildings.
 - (C) Exemptions: the outdoor display and storage of for sale automobiles and trucks shall be exempt from the area and wall requirements. However, automotive sales lots shall be planted with perimeter landscaping and meet the

regulations for vehicular use areas in Land Development

Code Sections 142.0406, 142.0407, and 142.0408.

- (k) Special Regulations. See Chapter 15, Article 14, Division 4.
- (l) Commercial Zones (MV-CO, MV-CV, MV-CR) Guidelines for Discretionary Review
 - (1) Continue the commercial recreation, retail, and office land use emphasis in the western, central, and eastern, respectively, portions of the valley, but permit mixed use projects within these areas.
 - (2) Provide new neighborhood convenience centers, especially 1 with a supermarket, near residential areas.
 - (3) Pedestrian and bicycle connections between activity centers and transit station/stops should be provided to increase use of alternative forms of transportation. Automobile circulation within developments should be designed to minimize impacts upon these connections.
 - (4) Relate new projects physically and visually to existing development by linking pedestrian paths and providing compatible signage, landscaping, or various architectural features as appropriate.
 - (5) Architectural design and appearance throughout the development should be complementary.

§1514.0306 Industrial Zone (MV-I)

- (a) Purpose

- (1) The provisions of the IL-2-1 Zone (Land Development Code Chapter 13, Article 1, Division 6 [Industrial Zones]) and the additional criteria of the Mission Valley Planned District Ordinance Zone apply to industrially designated land uses in Mission Valley. The criteria of the Mission Valley Planned District Zone supplement the design criteria of the IL-2-1 Zone.
- (2) Any proposed development under the MV-I Zone must also comply with all other relevant sections of the Mission Valley Planned District Ordinance. Where there is a conflict between the provisions of the IL-2-1 Zone and the provisions of the Mission Valley Planned District Ordinance, the Mission Valley Planned District Ordinance applies.

(b) Commercial Uses

Commercial uses developed within the industrial zone that are not accessory uses to an industrial use shall be subject to the development criteria of Section 1514.0305.

(c) Offsetting Planes and Facade Variation Requirements

- (1) Offsetting Planes - the particular facades, sides or elevations of a building which faces the front, side and rear property lines, shall have building variations in a minimum of 4 separate planes for each 100-foot length of building elevation, or portion thereof. A separate building plane is distinguished by an average horizontal difference of 2 feet measured perpendicular to the subject plane.

Within any 100-foot length of building elevation, no single plane shall total more than 50 percent or less than 20 percent of the building elevation area; and

- (2) Building Facade Variation - the particular facades, sides or elevations of a building which face the front, side and rear property lines, shall have building facade variations in a minimum of 2 separate materials or textures. No single variation shall total less than 20 percent nor more than 50 percent of the building elevation area.

- (d) In addition to the regulations in Chapter 15, Article 14, Division 4, the following shall apply:

- (1) Roll-up doors visible from the public right-of-way shall be prohibited.
- (2) For storage and warehousing uses - Exterior wall surfaces, not including decorative details or trim, shall be of materials containing integral colors and textures such as precast concrete, brick, concrete masonry and split-faced block. The intent of this regulation is to ensure that the appearance of industrial uses are complementary to commercial and residential uses.

- (e) Parking

Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

- (f) Industrial Zone Guidelines for Discretionary Review

Retain industrial uses that are compatible with surrounding land uses.

§1514.0307 Multiple Use Zone (MV-M)

(a) Purpose

- (1) To provide for pedestrian oriented projects containing at least three functionally and physically integrated land uses.
- (2) To provide standards and guidelines for the development of large, undeveloped parcels through the processing of specific plans or discretionary permits. Council adopted specific plan areas are labeled as MV-M/SP on the zone maps to indicate that a specific plan is in effect.

(b) Permitted Sites

Multiple use development is required within the MV-M Zone and permitted within the commercial zones. However, in commercial zones, the predominant land use shall be consistent with the community plan land use designation.

(c) Permitted Uses

- (1) Within the MV-M Zone on sites of four or more acres, and on all commercially zoned sites utilizing the multiple use option, each proposal shall include land uses from at least three of the following zones in combinations as follows:
 - (A) One or two of the following three commercial uses:
MV-CV, MV-CO, MV-CR; and
 - (B) One or two of the following five residential uses:

MVR-1, MVR-2, MVR-3, MVR-4, MVR-5.

- (2) Within the MV-M Zone on sites of less than 4 acres that existed as of the date of adoption of the Mission Valley Planned District Ordinance, each proposal shall be exclusively residential or include land uses from at least two zone categories including a residential use. The residential land use portion shall account for at least 20 percent of the Average Daily Trips allocated to the project.

(d) Development Criteria

- (1) Minimum Lot Size - 40,000 square feet.
- (2) Multiple use structures, shall conform with the Mission Valley Planned District Ordinance Zone criteria of the predominant land use, except that residential development shall provide open area, off-street parking, outdoor storage and refuse area in accordance with Section 1514.0304.
- (3) For Commercial Component Development Criteria - See Section 1514.0305.
- (4) For Residential Component Development Criteria - See Section 1514.0304.
- (5) Special Regulations – See Chapter 15, Article 14, Division 4.

(e) Multiple Use Zone Guidelines for Discretionary Review

- (1) Multiple use projects should contain significant revenue-producing uses that are functionally and physically integrated to minimize vehicular traffic.

- (2) Multiple use projects must emphasize pedestrian orientation with pedestrian connections, people oriented spaces, and commitments to transit improvements.
- (3) Development should separate vehicular access from delivery loading zones.
- (4) Include restaurants, theaters, hotels or residential uses in multiple use projects to create 24-hour activity.
- (5) No single land use should account for more than 60 percent, nor less than 20 percent of the Average Daily Trips allocated to the project.
- (6) The type and location of commercial uses should not be disruptive to residential uses.
- (7) Encourage high density development near shopping areas and transit corridors.
- (8) Structures located along major pedestrian paths should utilize the ground floor for retail commercial or residential uses to increase pedestrian activity at street level.
- (9) New development on sand and gravel sites should orient away from the mesa and not burden the existing school, park, or shopping facilities of adjacent communities.

- (10) Mining activities should be screened from adjacent developments with landscaping and beams. Environmental impacts such as noise and erosion should be mitigated.
- (11) On sites used for industrial activities, require reclamation plans that contour slopes, control erosion, provide compatible revegetation and provide new water habitats where feasible in accordance with the Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

Section 4. That Chapter 15 of the San Diego Municipal Code is amended by adding Article 14, Division 4, Sections 1514.0401, 1514.0402, 1514.0403, 1514.0404, 1514.0405, 1514.0406, 1514.0407, 1514.0408, and Appendixes B through E to read as follows:

Article 14: Mission Valley Planned District

Division 4: General and Supplemental Regulations

§1514.0401 Purpose of Special Regulations

These special regulations apply to all development proposals subject to review under the **Mission Valley** Planned District **Ordinance**. The purpose of these regulations is to supplement the regulations of the underlying zones and subdistricts, in order to focus on the circulation system elements of private and public development projects; site and building design features that affect public views; and signage.

§1514.0402 Landscaping

- (a) Where not otherwise noted, the regulations of Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) apply and constitute the minimum landscape requirements.
- (b) Sidewalks/**P**arkways
 - (1) Pedestrian sidewalks separated from the street by landscaped parkways shall be provided in relation to street classification as shown on the following table. The decision maker reviewing the project may permit the widths of the parkway and sidewalk to meander and/or occasionally diminish to accommodate bus stops, transformer boxes, or other site constraints. In some cases, additional dedication of public right-of-way may be required to meet these requirements.
 - (2) The placing of signs, utilities and other public facilities shall be done in a manner so as to provide the clear unobstructed corridor sidewalk width and parkway design as required by **the Mission Valley** Planned District **Ordinance**.
 - (3) The criteria established in the Mission Valley Planned District Ordinance supersede the criteria of the Street Design Manual of the Land Development Manual.

Table 1514-04A
Sidewalks and Parkways

Community Plan Street Classification	Minimum Average Widths
Majors and Arterials	10 ft. clear corridor sidewalk 8 ft. landscaped parkway
3- and 4- lane collectors	8 ft. clear corridor sidewalk 6 ft. landscaped parkway
2- land collectors and streets of lesser width	6 ft. clear corridor sidewalk 5 ft. landscaped parkway

- (d) Exceptions: When safety considerations or existing infrastructure within the public right-of-way of a street that is built in conformance with the adopted community plan street classification does not allow for the provision of street trees adjacent to a curb, trees may be provided adjacent to the sidewalk on the site. The required clear corridor width shall be provided in all cases.

§1514.0403 Parking and Circulation System

- (a) Vehicular Use Area
- (1) Surface Parking
- (A) Pedestrian Access - safe, usable pedestrian pathways shall be provided through parking areas to building entrances.
- (B) Driveway widths shall be in conformance with Land Development Code Section 142.0560(j).
- (2) Structured Parking
- Parking structures shall be in conformance with Land Development Code Section 142.0560(k).
- (b) Bicycle Parking Facilities

Bicycle parking facilities and lockers shall be provided in accordance with Land Development Code Sections 142.0525 and 142.0530.

(c) Public Access Easement

A pedestrian public access easement shall be provided through projects that are greater than 4 acres in size. These easements should provide links between public roads, high activity centers, recreational areas and transit corridors.

(d) Off-Street Freight Loading Spaces Required

- (1) In order to avoid loss of required off-street parking spaces and ensure that traffic flow is not disrupted by freight carrying vehicles blocking the public street; off-street loading spaces are required as stated in Table 1514-04B.
- (2) Each required off-street loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a vertical clearance of 14 feet, including entrances and exits. All off-street loading areas shall be screened from the public right-of-way or treated with landscape, hardscape or structural elements designed to create a visual amenity.
- (3) Requirements for two or more uses on the same site shall be the sum of the requirements for each use computed separately. These requirements may be reduced when required loading areas can be shared among uses.

Table 1514-04B
Off-Street Loading Spaces

Use Classification	Gross Floor Area of Structure or Use (sq. ft.)	Spaces Required
Offices; Banks and Savings and Loans	0-50,000 Over 50,000	0 0.1 space per 10,000 S.F. of gross floor area
Retail Sales	0-10,000	0
Eating and Drinking	10,001-30,000	1
Establishments	30,000-50,000	2
	2 over 50,000	1 space per 25,000 S.F.
Wholesaling	0-10,000	0
Distribution and Storage; Industry	10,001-50,000 Over 50,000	1 0.21 spaces per Industry 10,000 S.F. of gross floor area
Hotels	0-40,000 over 40,000	1 0.1 space per 10,000 S.F. of gross floor area
Multi-Family Residential and all other uses not included above	0-100,000 100,001-200,000 200,001-500,000 More than 500,000	0 1 2 3 - Plus 1 space for each additional 400,000 S.F.

(e) Transit Right-of-Way

- (1) Reservations and/or dedications of rights-of-way for light rail transit (LRT) lines shall conform to the dimensions and geometric design criteria outlined in the Metropolitan Transit Development Board (MTDB) standards, including a 35-foot right-of-way for two tracks on level ground, plus up to 25 additional feet of width at station areas. The reservation of such right-of-way constitutes an irrevocable offer to dedicate, at no cost, when so requested by the City or MTDB.

- (2) Developers of land, which include light rail transit (LRT) projects designated by MTDB, will be required to reserve and/or dedicate, at no cost to the City or MTDB, all necessary rights-of-way for the alignment and any required stations. Additionally, they will be required to contribute the equivalent cost of construction of a facility and stations, exclusive of LRT vehicles. Furthermore, they will be required to agree to not oppose and to participate in the formation of any special assessment district formed for the purpose of providing funds for the construction of an LRT system. Payment of construction costs should occur prior to issuance of any building permits.
- (3) The provision of transit right-of-way will complement funding available through the San Diego Transportation Improvement Program (Proposition A) and the Mission Valley Public Facilities Financing Plan. In addition, and only if needed to supplement the above LRT financing programs, an assessment district to fund LRT construction may be considered. Any such assessment district will include the following provisions:

 - (A) A cost-benefit study shall be prepared which shall give credit to previous developments which have made contractual commitments to the LRT, including land dedications and contributions to LRT construction.

- (B) Any property-owner who wishes to make a right-of-way dedication or LRT construction contribution in lieu of an assessment or portion of an assessment may do so.

(f) "People Mover" System

A "people mover" system will be put in place on the east and west side of the valley to help alleviate congestion on the surface street system. The cost of a people mover system shall be included in the Mission Valley Financing Plan.

§1514.0404 Supplemental Design Requirements

(a) Height

- (1) North of Interstate 8 and south of Friars Road, buildings shall not exceed 250-feet in height.
- (2) South of Interstate 8 - see **Section 1514.0303(c)(1)**.

(b) Reflectivity

- (1) Discretionary projects: Reflective material should not be used in a way which causes a traffic hazard, diminishes the quality of riparian habitat, or reduces the enjoyment of public open space.
- (2) Ministerial projects: No more than 50 percent of any single elevation of a building's exterior may be constituted of material with a light reflectivity greater than 30 percent, except as noted in **Section 1514.0302(h)** - River Subdistrict.

(c) Roof Treatment

- (1) All new structures or enlargements shall have no single flat roof element (less than 10 percent in slope) constitute more than 40 percent of the building's coverage. Separate flat roof elements must be differentiated by an elevation of at least 5 feet; OR
- (2) At least 40 percent of the flat roof element shall be designed structurally and architecturally to accommodate outdoor activities; OR
- (3) The flat roof element shall be designed as an architectural/landscape amenity to enhance the views from the proposed structure or adjacent structures. Such enhancement may consider roof gardens, architectural features, special pavings and patterns or other comparable treatment.
- (4) Parking Structure Roof Treatment- See Section 1514.0403(a)(2).

§1514.0405 Enclosures

- (a) Mechanical Equipment - no utility equipment, 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. Other methods of screening and/or visually blending mechanical equipment with the appearance of the main building shall be considered through the processing of a discretionary permit.

- (b) Fence and Wall- applicable fence and wall regulations are contained in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

§1514.0406 Signage

Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations) apply except as stated below:

- (a) Sign plans shall be a required element of Mission Valley Development Permit application submittals.
- (b) River Subdistrict - see Section 1514.0302(j).
- (c) Hillside Subdistrict - see Section 1514.0303(c)(4).
- (d) High Rise Sign Guidelines
 - (1) No portion of a sign shall be located more than 65 feet above the elevation of the sidewalk at the street property line closest to the sign except as specified below.
 - (2) Signage may be used on the upper portion of the building provided that it does not exceed the square foot standards listed below in relationship to building height and is designed to be an integral element in the exterior treatment of the building, and does not occur on any two adjacent facades.

Table 1514-04C
Maximum Sign Area for High Rise

Building Height	Maximum Sign Area
65 - 119 feet	50 square feet
120 - 199 feet	75 square feet
200 + feet	100 square feet

- (e) Directional Signage. All residential and commercial office establishments shall provide a maximum 2-foot high ground mounted sign located within the street yard setback within 5 feet of the driveway entrance, with maximum 6-inch high characters intended solely for the purpose of street address identification. This signage will not be calculated against permitted signage allowed under the Land Development Code.
- (f) Roof signs shall not be permitted anywhere within the Mission Valley Planned District Ordinance area.
- (g) Residential Signage - see Section 1514.0304(k).
- (h) Automobile Dealerships. Automobile dealerships may utilize ground signs not exceeding 50 feet in height.

§1514.0407 Lighting

Any artificial lighting shall be directed or shaded so as not to fall onto adjacent properties not held in the same ownership.

§1514.0408 Guidelines for Discretionary Review

- (a) Provide gradual transitions in scale from open areas and low density development to higher density development through graduated building setback and stepback requirements. Avoid forming view restricting walls of development.

- (b) Building height, spacing and bulk should be designed to create landscaped see-through areas from projects to community landmarks and open space features (see Appendix B, Figure 6 and Appendix E).
- (c) Incorporate crime inhibiting design principles into project design.
- (d) Incorporate employee services (restaurants, cleaners, showers etc.) into developments.
- (e) Cluster neighborhood commercial uses near residential developments.
- (f) Locate project open space and recreational areas to maximize that land area of, and facilitate access to community resources such as the San Diego River and light rail transit line.
- (g) Long term maintenance for all vegetation should be provided in accordance with adopted City-wide landscape standards.
- (h) Roofs should be designed to enclose mechanical equipment and to be used for recreational, retail, or restaurant uses.
- (i) Transportation
 - (1) Site circulation elements to reduce conflicts between pedestrians, bicycles, transit uses and vehicles.
 - (2) Provide landscaped medians along major east- west streets in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
 - (3) Provide theme street tree plantings.

- (4) Include pedestrian amenities on local streets.
- (5) Implement transportation demand management techniques such as employer subsidization of transit passes and van pools, employee flex-time, and preferential parking for car pools to reduce reliance on the single occupant motor vehicle.

(j) Public Transit

- (1) Locate transit stops to maximize access and optimize transit service and pedestrian and bikeway connections. Where located near cross-roads and major activity centers, stops should be at one-quarter mile intervals.
- (2) Design transit stops to be attractive, highly visible and provide shelter. Transit stop design and location should be acceptable to MTDB.
- (3) Include transit shelters, bicycle parking facilities, canopies, patterned sidewalks, information kiosks, benches and other pedestrian amenities in developments located along transit corridors. Enhanced transit shelters are desirable.
- (4) Design buildings to allow for internal Light Rail Transit passage and stations.
- (5) Provide a 35-foot right-of-way for the adopted MTDB LRT alignment without encroaching into wetland buffer areas. Where intrusion cannot be avoided, increase the landscaped buffer area

and mitigate the wetlands loss in accordance with the Wetlands Management Plan.

(k) Parking Areas

- (1) Provide consolidated parking areas by creating special parking districts.
- (2) Permit and encourage shared parking areas.
- (3) Minimize driveways along primary arterials and major streets through parking facility design and the use of lower classification streets for access.
- (4) Provide safe, convenient and pleasant pedestrian passages within, to and from parking areas.
- (5) Landscape parking areas with long lived, round headed trees that have a mature height and spread of at least 30 feet, screening hedges and shrubs, and mounding around the edges. Turf areas should be minimized. The adopted city-wide landscape regulations should be used as a minimum standard.
- (6) Use trees and plants as the dominant elements of major project entries.
- (7) Screen parking areas with berms and landscaping.
- (8) Patterned paving may be substituted for part of the living landscaping requirement.
- (9) A minimum 10 percent of the parking lot area should be landscaped.

(l) Bicycle Facilities

- (1) Provide secure bicycle parking at activity areas, transit stops, commercial areas and sports/ recreational facilities.
- (2) Bicycle parking facilities should include both bicycle racks and bicycle lockers. Bicycle lockers should be provided for employees arriving by bicycle at major activity centers.
- (3) Bicycle parking facilities should be located close to the entrance of the activity center.
- (4) Bikeways should have a minimum 25-foot tangent section between reversing curves.
- (5) Bikeways should be well identified by bikeway signs.

(m) Pedestrian Circulation

- (1) Convert street space to wider sidewalks, landscaped strips, and sitting areas where pedestrian traffic is high.
- (2) Sharply delineate walkways from traffic areas, using grade separations between high activity areas that minimize stairs or pedestrian ramps. For example, pedestrian bridges or tunnels could be used to connect activity areas across high speed, high volume streets and skyways could be constructed between buildings.
- (3) Provide pedestrian amenities such as public plazas, canopies, patterned sidewalks, information kiosks, benches and adequate

lighting along sidewalks and pedestrian paths through and between developments located along transit corridors.

- (4) Locate tall, canopied trees adjacent to the curb, between the street and sidewalk, in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).
- (5) Projects should front on the public street and provide pedestrian access from the street.
- (6) Provide safe routes between and through the interior of developments. Routes should be: separated from vehicular traffic, and distinguished by paving, slopes, landscaping, retail uses, public events, food sales, public art, sitting areas and adequate lighting.
- (7) Where safety considerations permit, identify pedestrian crossings of low volume, low speed streets or parking lots through special paving and design materials.
- (8) Incorporate handicapped access into design.
- (9) Link project pedestrian areas to the community open space network.
- (10) Use spaces underneath freeways for transit stops, pedestrian areas, park space or public art areas.

(n) Community Facilities

- (1) Maximize community use of school sites and other public facilities through pedestrian paths, shuttle services and other linkages from adjacent developments.
- (2) Require increased transit use such as implementation of a stadium operated shuttle service linking the stadium to hotels and activity centers concurrent with stadium expansion. Any expansion or addition of stadium commercial activities should comply with DID limitations.
- (3) Retain publicly owned properties for needed public facilities until all community needs are met.

(o) Noise

- (1) Separate development from freeways and busy roads through walls and/or landscaped berms. Wall design should incorporate landscaping materials and sculptural forms.
- (2) Buffer residential development from noise with setbacks or elevation differences.

(p) Water

- (1) Public and private developments should use recycled water and install water saving devices, where practical.
- (2) Control surface runoff by promptly planting disturbed sites with ground cover vegetation, and incorporating sedimentation ponds into flood control or runoff control facilities. Long term maintenance for all vegetation should be provided.

- (3) Preserve water by utilizing native, drought resistant vegetation for project landscaping in a manner consistent with the adopted city-wide landscape regulations.
- (4) Use water from the City's water reclamation project for irrigation
- (5) Implement Department of Water Resources conservation and reclamation recommendations in development projects.

(q) Energy

- (1) Cluster buildings to use a common heating/ cooling source.
- (2) Design buildings to allow for flow-through ventilation.
- (3) Use building materials which will act as insulators or conductors, depending on energy needs.
- (4) Use architecture, materials and site planning to minimize energy use to maximize use of solar energy and to avoid casting shadows on existing buildings and public plazas. New structures should be designed so that no more than 50 percent of the area of a sidewalk, existing building, or public plaza should be shaded by the new structure for more than one hour between 11 a.m. and 2 p.m. to the extent feasible.

(r) Cultural and Heritage Resources

- (1) Permit flexibility in the location of cultural facilities and organizations in Mission Valley.

- (2) Locate neighborhood-oriented religious facilities in residential areas and regional-oriented religious facilities outside residential areas.
 - (3) During the environmental review process identify all archaeological, historical geological and paleontological sites and artifacts. Significant resources should be protected, preserved or salvaged.
 - (4) Retain the historic location and character of the San Diego Mission and its associated uses.
- (s) Landmarks
 - (1) Provide view corridors to identified community landmarks through conditions of approval in specific plans and planned development permits.
 - (2) New development should complement and respect views of landmarks and community entrance areas. The freeways in particular are gateways which should provide a clear view into and through the community. New development located in community entrance areas should be designed to enhance these areas and should be reviewed for architectural style, building mass, landscaping and color.
 - (3) Development near the Mission should be low in scale and complimentary to the Spanish period architecture.

- (4) Projects adjacent to the Jack Schrade Bridge should respect related orientation, proportion and views.
 - (5) New developments may create landmarks through the development of vertical building elements.
- (t) Signage
 - (1) Signs and street graphics should complement the overall urban design goals for the community.
 - (2) Signage for adjacent developments should be compatible and not attempt to "out-shout" each other.
 - (3) Signage should complement the architectural design of buildings and developments.
 - (4) High-rise buildings should be identified by symbols and graphic designs rather than by full building width lettering.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 7. That this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Shannon M. Thomas
Deputy City Attorney

SMT:als
01/17/07
Or.Dept:DSD
O-2007-81
MMS#4016

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor