

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 14, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1514.0103 AND 1514.0104; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 2 BY AMENDING SECTION 1514.0201; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTIONS 1514.0302, 1514.0303, 1514.0304, AND 1514.0305; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 4 BY AMENDING SECTIONS 1514.0401, 1514.0404, 1514.0406, AND 1514.0407, ALL RELATING TO MISSION VALLEY PLANNED DISTRICT.

Article 14: Mission Valley Planned District

Division 1: General Rules

§1514.0103 Administrative Regulations

(a) General Provisions

(1) [No change in text.]

(2) The Mission Valley ~~Unified Planning Committee and the Mission~~

~~Valley Design Review Subcommittee~~ Group 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~~ the

Mission Valley Planning Group shall be forwarded to the appropriate decision maker at noticed public hearings.

- (3) [No change in text.]
- (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; and the Mission Valley Unified Planning Committee, and the Design Review Subcommittee Group on the effectiveness of the Mission Valley Planned District Ordinance in promoting the goals of the community plan.

(b) Exemptions

- (1) through (2) [No change in text.]
- (3) Public projects that have approved permits to conduct maintenance work in the Special Flood Hazard Areas are exempt from the requirements of the River Park Subdistrict.

§1514.0104 Definitions

~~See Land Development Code Section 113.0103 for additional definitions.~~

For the purposes of Article 14, the definitions in Section 1514.0104 apply. The definitions in Section 113.0103 also apply unless such a definition conflicts with a definition set forth in Section 1514.0104, in which case the Section 1514.0104 definition applies.

- (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~~a~~) ~~Blank Wall~~ Blank Wall - means any wall or garage door not enhanced by architectural detailing, artwork, transparent windows, doors or similar features.
- (b) Floodway - means the current 100-year floodway as mapped by the Federal Emergency Management Agency (FEMA).
- (c) ~~Gross Acres~~ Gross Acres - means the total land area of a site including private streets, floodway, and hillsides.
- (d) ~~Ground Floor~~ Ground Floor - means the floor level nearest to street grade. Where two floor levels are equidistant from street grade, the lower floor shall be designated as is the ground floor.
- (e) Path Corridor - means a 35-foot wide area within the River Corridor Area. See Diagram 1514-03A, San Diego River Park Subdistrict Components.
- (e~~f~~) ~~Plaza~~ Plaza - means 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.
- (e~~g~~) ~~River Wall~~ San Diego River Park Corridor Area (River Corridor Area) - means 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. the area comprised of the Floodway and the Path Corridors on each side of the Floodway. See Diagram 1514-03A, San Diego River Park Subdistrict Components.

- (gh) **River Wall Line** San Diego River Park Influence Area (River Influence Area) - 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. means the 200-foot wide area extending outward from the River Corridor Area on each side of the river. See Diagram 1514-03A, San Diego River Park Subdistrict Components.
- (i) San Diego River Park Pathway (River Pathway) means a minimum 14-foot wide pathway for pedestrian and bicycle use.

- (h) ~~**River Yard**~~ San Diego River Park Subdistrict (River Park Subdistrict) - 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. means the area comprised of the River Corridor Area and the River Influence Area.
- (i) ~~**Step-back**~~ Step back - means the horizontal separation between two major vertical elements, occurring at upper levels of a structure.

Division 2: Permits and Procedures

§1514.0201 Permit Application, Review and Issuance

- (a) General
- (1) through (2) [No change in text.]
- (3) The Mission Valley Community Plan, the San Diego River Park Master 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) through (3) [No change in text.]

- (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.

(5) Within the River Park Subdistrict, any development that does not require a construction permit and that meets the requirements of Section 1514.0201(b)(3) is not required to obtain a Mission Valley Development Permit.

- (c) [No change in text.]
- (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) [No change in text.]

(B) The proposal is fully or partially sited in the ~~San Diego~~ River Park sSubdistrict, (see Section 1514.0302 and Appendix E); or

(C) The proposal is located in the Hillside sSubdistrict 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) through (E) [No change in text.]

(2) through (5) [No change in text.]

Table 1514-02A

**Major Categories - Mission Valley Development
Permit Processing**

Ministerial Permit	Discretionary Permit	Discretionary Permit and Plan Amendment
<ul style="list-style-type: none"> • Traffic Threshold 1 and • Not within the ; <u>Outside of River Park Subdistrict⁽¹⁾, the and Hillside Subdistrict⁽¹⁾, or and, Not the in Multiple Use Zone</u> 	<ul style="list-style-type: none"> • Traffic Threshold 2 or, • <u>Inside the River Park Subdistrict⁽¹⁾,</u> • <u>Inside the or Hillside Subdistrict⁽¹⁾ or,</u> • <u>In the Multiple Use Zone</u> 	<ul style="list-style-type: none"> • 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 Subject to the exemptions and exception in Sections 1514.0201(e) and (d).

Division 3: Zoning and Subdistricts

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

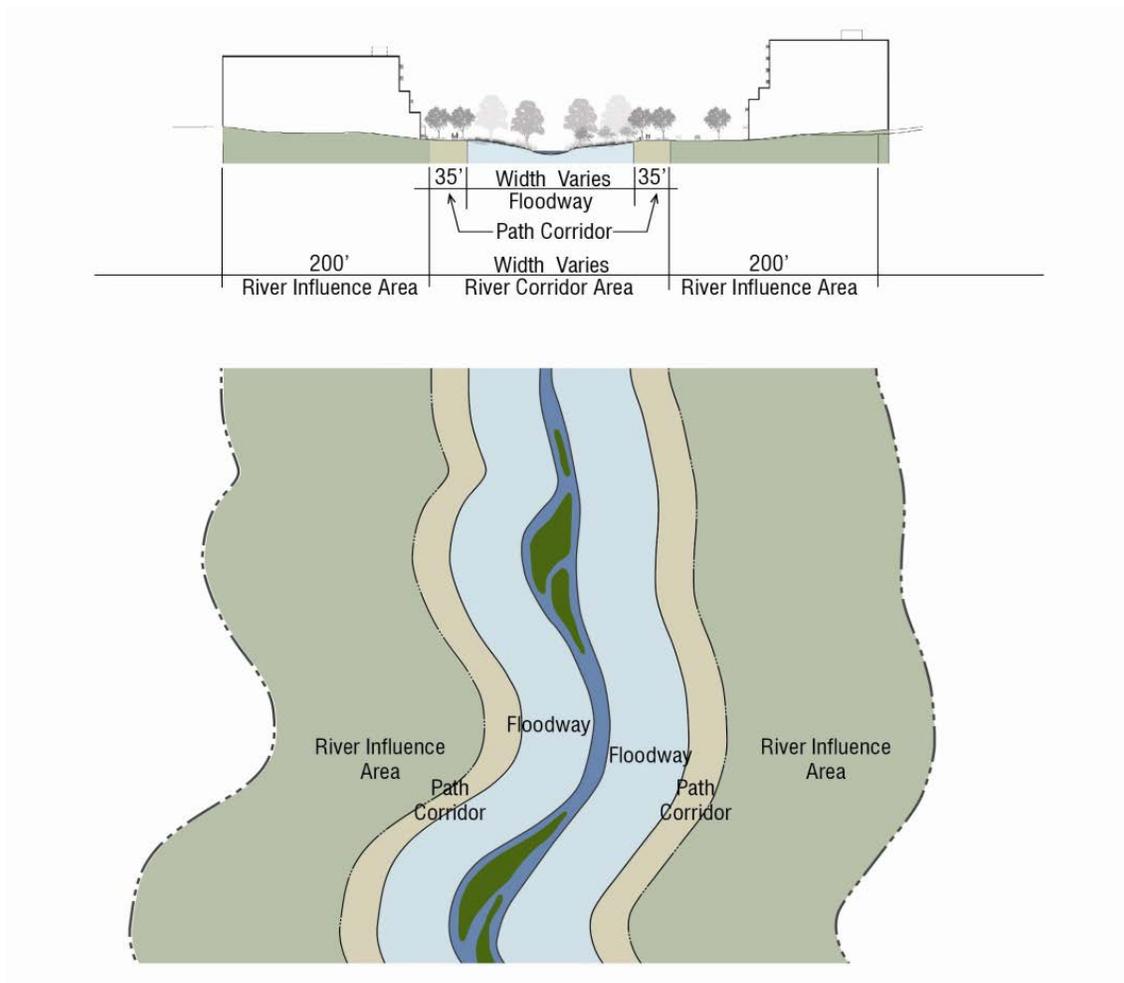
(a) Purpose

It is the purpose of ~~this~~ the River Park Ssubdistrict regulations 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.~~ implements the San Diego River Park Master Plan and the Mission Valley Community Plan. It is also the intent of the River Park Subdistrict regulations to preserve and enhance the character of the river valley, to provide for sensitive rehabilitation and redevelopment, and to create the River Pathway.

(b) Boundaries

The ~~San Diego River Park 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).~~ River Corridor Area and the River Influence Area. The ~~criteria~~ regulations of this subdistrict apply to any project fully or partially within these boundaries. See Diagram 1514-03A, San Diego River Park Subdistrict Components.

Diagram 1514-03A
San Diego River Park Subdistrict Components



(e) — 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.~~

~~(1) — 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.~~

(c) River Corridor Area

(1) Permitted Uses and Development

(A) Development within the Floodway shall be in accordance with Section 143.0145 (Development Regulations for Special Flood Hazard Areas).

(B) Within the Path Corridor, only the following development shall be allowed:

(i) The River Pathway,

(ii) Trails, in accordance with Section 1514.0302(c)(4),

and

(iii) Development determined by the City Manager to be for passive recreational use, including picnic areas,

scenic and interpretive overlooks, fitness stations,
seating, and educational exhibit areas.

(C) Within locations that are not mapped as Multi-Habitat
Planning Area (MHPA), as identified by the City of San
Diego Multiple Species Conservation Program (MSCP)
Subarea Plan, or determined to be wetland buffers in
accordance with Section 143.0141, the following
development shall be allowed: children’s play areas,
multipurpose courts, turf fields, and development
determined by the City Manager to be for active
recreational use.

(D) Portions of the Path Corridor that are mapped as MHPA, as
identified by the City of San Diego MSCP Subarea Plan, or
determined to be wetland buffers in accordance with
Section 143.0141 shall be developed in accordance with
the MSCP Subarea Plan’s Land Use Considerations and the
Environmentally Sensitive Lands Regulations in Chapter
14, Article 3, Division 1.

(2) Grading

(A) Grading within the Floodway shall be conducted in
accordance with the MSCP Subarea Plan’s Land Use
Considerations and the Environmentally Sensitive Lands
Regulations in Chapter 14, Article 3, Division 1.

(B) Grading within the Path Corridor shall, to the satisfaction of the City Manager:

(i) Avoid long, continuous engineered slopes with hard edges;

(ii) Provide gradual transitions at the top and bottom of slope; and

(iii) Stabilize and revegetate slopes with native plants found in the immediate vicinity.

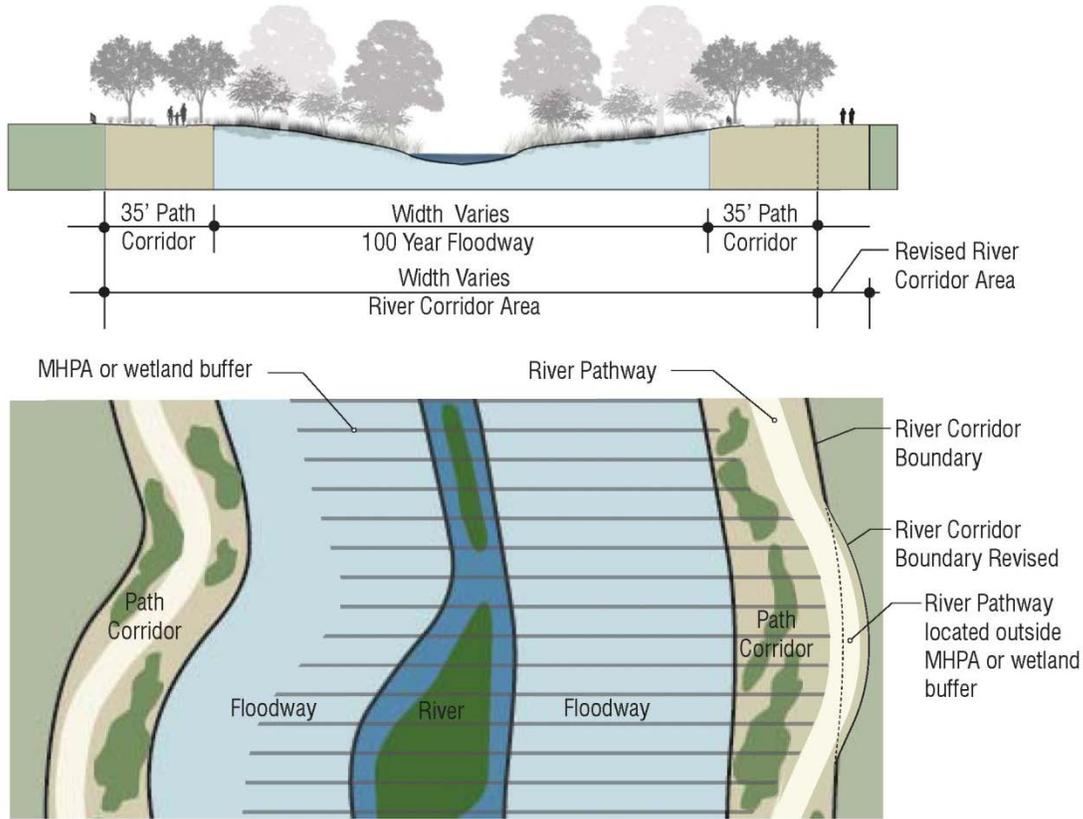
(3) River Pathway

(A) Provide a minimum 14-foot wide pathway for pedestrian and bicycle use within the Path Corridor that meanders, unless site conditions are so restricted that meandering would create an undue hardship in developing the site.

(B) Where portions of the Path Corridor are mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141, the River Pathway shall be located outside the MHPA and the wetland buffer, immediately adjacent to the Path Corridor. See Diagram 1514-03B, Path Corridor Realignment for MHPA and Wetland Buffer.

Diagram 1514-03B

Path Corridor Realignment for MHPA and Wetland Buffer



(C) The River Pathway shall be dedicated with an easement that allows public access.

(D) The River Pathway shall be completed in the first phase of any phased development.

(E) The River Pathway shall include the following features:

- (i) A minimum 10-foot wide pathway of concrete or similar material in a color that blends with the surrounding native soil;

(ii) A minimum two-foot wide area of decomposed granite or similar material along each side of the River Pathway in a color similar to the River Pathway;

(iii) A minimum 10-foot wide landscape area between the Floodway and the River Pathway; and

(iv) A minimum 12-foot vertical clearance above finish grade of the River Pathway.

(4) Trails. Pedestrian-only trails may be located within the River Corridor Area in accordance with the following:

(A) Trail alignments shall mimic natural conditions and minimize grading and disturbance to vegetation.

(B) Trails shall be designed to provide continuous loops to the River Pathway, with no trail alignment resulting in a dead end.

(C) Trails located in areas mapped as MHPA, as identified by the City of San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141 are subject to the MSCP Subarea Plan's Land Use Considerations and the Environmentally Sensitive Lands Regulations in Chapter 14, Article 3, Division 1.

(D) Trails shall include the following features:

(i) A maximum eight-foot width;

(ii) An eight-foot vertical clearance above finished grade of the trail; and

(iii) Surface material of decomposed granite or similar material in a color that blends with the surrounding native soil.

(5) Picnic Areas and Overlooks

(A) Picnic areas and overlooks shall be provided along the River Pathway at intervals not to exceed one-half mile.

(B) Picnic areas and overlooks shall include a combination of picnic table(s), trash and recycling receptacles, bicycle racks, shade structures, benches, interpretive signs, and drinking fountains on a case-by case basis as determined by the City Manager.

(6) Lighting

(A) Light posts shall not exceed 12 feet in height.

(B) All lighting shall be shielded and directed away from the Floodway, the edge of the River Pathway fronting the river and the MHPA and shall be in accordance with (Outdoor Lighting Regulations).

(7) Site Furniture

- (A) Site furniture shall be designed and constructed in accordance with the San Diego River Park Master Plan Design Guidelines.
- (B) Site furniture shall be provided along the River Pathway at picnic areas, overlooks, and other locations that complement the River Pathway.
- (C) Site furniture shall incorporate the San Diego River Park logo as illustrated in the San Diego River Park Master Plan Design Guidelines.
- (D) Lots that do not have picnic areas or overlooks shall provide a minimum of one piece of site furniture (as described in the San Diego River Park Master Plan Design Guidelines) for every 200 linear feet of the River Pathway.

(8) Signs

- (A) Signs shall be designed in accordance with the San Diego River Park Master Plan Design Guidelines and include the San Diego River Park Logo.
- (B) Interpretive signs shall be provided at, but not limited to, educational and cultural overlooks along the River Pathway.
- (C) Information kiosks shall be provided where the River Pathway intersects public streets.

(9) Fences

(A) Fences located between the River Pathway and the River:

- (i) Shall be provided only as required to protect sensitive habitat or historic resources, and shall allow for wildlife movement;
- (ii) Shall be located a minimum of five feet from the River Pathway or trails and shall follow the natural grade;
- (iii) Shall consist of horizontal rails of either wood peeler log or steel posts and cables;
- (iv) Shall not exceed 42 inches in height; and
- (v) Shall be at least 75 percent open. For purposes of this subsection, chain link fencing shall not qualify as a 75 percent open fence.

(B) Any fences located between the River Pathway and the River Influence Area shall be constructed in accordance with Section 1514.0302(d)(14).

(10) Plant Materials

- (A) A mixture of native plants and trees that are consistent with the surrounding habitat type shall be planted.
- (B) Non-native grasses and lawn areas shall not be permitted in any areas mapped as MHPA, as identified by the City of

San Diego MSCP Subarea Plan, or determined to be wetland buffers in accordance with Section 143.0141.

(C) Plant materials shall be selected and located in order to provide views to the river along at least 50 percent of the river side of the River Pathway of each lot.

(D) On the river side of the River Pathway and within 10 feet of the non-river side of the River Pathway:

(i) Trees shall have a canopy clearance of eight feet above the finished grade of the River Pathway; and

(ii) All other plant materials shall not exceed 30 inches above the finished grade of the River Pathway.

(d) River Influence Area

(1) Maximum lot coverage within 115 feet of the River Corridor Area shall be 65 percent.

(2) Building height on lots adjacent to the River Corridor Area shall be determined by the distance the building is set back from the River Corridor Area, and shall be in compliance with Table 1514-03C or the base zone, whichever is more restrictive. See Diagram 1514-03C, River Influence Area Building Height and Setback.

Table 1514-03C
River Influence Area Building Height and Setback

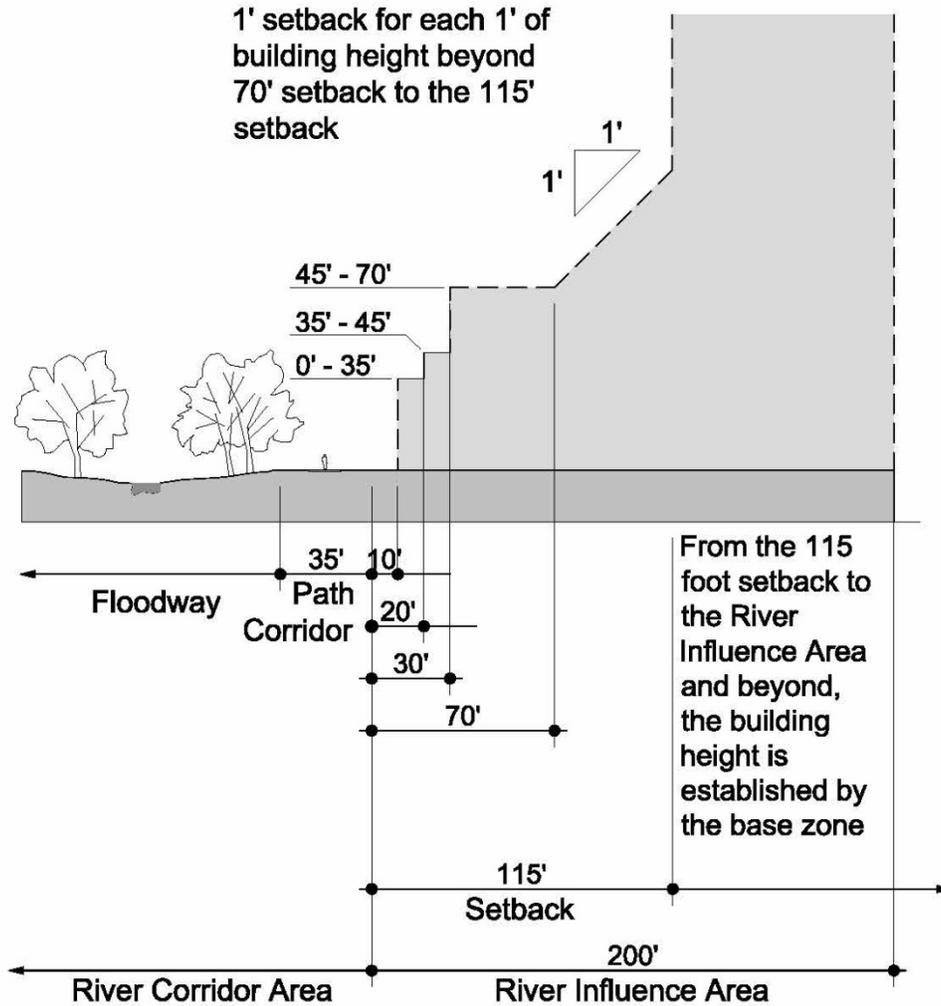
<u>Distance the Building is Set Back from the River Corridor Area¹</u>	<u>Maximum Height Applicable to the Building</u>	<u>Building Wall Setback</u>
<u>10 feet²</u>	<u>35 feet</u>	<u>Maximum of 50 percent may be located at setback</u>
<u>20 feet</u>	<u>45 feet</u>	<u>N/A</u>
<u>30 feet</u>	<u>70 feet</u>	<u>N/A</u>
<u>70 feet</u>	<u>1-foot per each foot of building height</u>	<u>N/A</u>
<u>115 feet</u>	<u>Comply with underlying zone</u>	<u>N/A</u>

Footnotes to Table 1514-03C

¹ Where river and street setbacks overlap, the requirements of the River Influence Area setback shall apply.

² Architectural features, such as eaves, cornices, eyebrows, trellises, bay windows, balconies, entry roofs and arbors, and fireplaces, may extend a maximum of four feet into the 10-foot setback.

Diagram 1514-03C
River Influence Area Building Height and Setback



- (3) Setback requirements of the Mission Valley Planned District Ordinance shall apply to setbacks not identified in Table 1514-03C.
- (4) Off Setting Planes. The off setting planes requirements of the Mission Valley Planned District Ordinance shall apply.

(5) Building Massing Adjacent to the River. The building width fronting the river at or above 70 feet in height above finished grade shall be reduced by a minimum of 30 percent of the width of the building at the ground floor fronting the river.

(6) Building Facade and Entry. Development that abuts the River Corridor Area shall, to the satisfaction of the City Manager, provide a river-fronting facade and entry that are of substantially equivalent design and quality of materials as the primary building facade and entry.

(7) Building Transparency. Building facades that front the River Corridor Area or building facades that front a street that abuts and runs parallel to the River Corridor Area shall provide building transparency in accordance with the following:

(A) The amount of transparency, measured as the visible light transmittance (VLT), shall be at least 0.65 VLT.

(B) Commercial and Mixed Use Zones.

(i) A minimum of 50 percent of the total facade shall be transparent; and

(ii) A minimum of 70 percent of the ground floor shall be transparent.

(C) Industrial Zones. A minimum of 25 percent of the total facade shall be transparent.

(8) Building Reflectivity. Building facades that front the River Corridor Area shall not include materials with a visible light reflectivity (VLR) factor greater than 10 percent.

(9) Exterior Equipment Enclosures, Outdoor Storage, Loading Areas, and Refuse Collection Areas. Any exterior equipment enclosure, outdoor storage, loading area, or refuse collection area shall be developed in accordance with the following:

(A) Shall be located a minimum of 100 feet from the River Corridor Area;

(B) Shall be screened with landscape and an opaque wall at least six feet in height or, if the item to be screened exceeds six feet in height, a wall one foot taller than the item, to a maximum wall height of 10 feet. Screening shall be of the same design and materials as the primary building facade.

(C) Loading areas shall comply with the requirements of Section 1514.0403(d) (Off-Street Freight Loading Spaces Required).

(10) Access to the River Corridor Area

(A) Building Access to the River Corridor Area. Development on lots that abut the River Corridor Area shall provide building access paths connecting the primary structure with the River Pathway in accordance with the following:

(i) One building access path for every 300 linear feet of river frontage or fraction thereof; and

(ii) The building access path shall be to the primary building entrance or to a secondary entrance that, to the satisfaction of the City Manager, is designed to the same quality as the primary entrance.

(B) Public Access Pathway Across a Development Site.

Development on lots that abut the River Corridor Area shall provide public access pathways connecting the public street and the River Pathway in accordance with the following:

(i) At least one public access pathway shall be provided for every 1,000 linear feet of frontage along the River Corridor Area;

(ii) The public access pathway shall be designed to the same quality as the primary on site pathways, to the satisfaction of the City Manager; and

(iii) A public access pathway sign shall be provided at the public street and at the intersection of the River Pathway.

(iv) An easement for public use shall be required for public access pathways.

(C) Public Access Pathways from Streets that Abut and Run

Parallel to the River Corridor Area. Public access pathways shall connect the street to the River Path at every street intersection and, at a minimum, provide a connection every 1,000 linear feet of street frontage along the River Corridor Area.

(11) Off-Street Surface Parking. Off-street surface parking areas located adjacent to the River Corridor Area shall be set back and screened as follows:

(A) Parking areas shall be screened with residential, commercial, industrial, or mixed use development; or

(B) Parking areas shall be screened with landscape materials, in which case the following provisions shall apply:

(i) Parking areas shall be set back a minimum of 20 feet from the River Corridor Area;

(ii) Parking areas adjacent to the River Corridor Area shall not exceed 30 percent of the length of the lot frontage along the River Corridor Area or a maximum of 120 feet of the lot frontage along the River Corridor, whichever is less;

(iii) Parking areas shall be screened with shrubs capable of achieving a minimum height of 30 inches along 80 percent of the length of the parking area along

the River Corridor Area frontage within a 2 year period, except that screening shall not be required at pedestrian access points; and

(iv) Screening for parking areas shall include one 24-inch box evergreen tree for every 30 feet of frontage along the River Corridor Area. The trees shall be spaced apart or in naturalized groupings.

(12) Parking Structures. Parking structures located adjacent to the River Corridor Area shall be set back and screened as follows:

(A) Shall be screened with residential, commercial, industrial, or mixed use development for the full height and length of the parking structure; or

(B) Shall be screened with landscape materials in accordance with Sections 1514.0302(d)(11)(B)(i) and (ii) and the following provisions shall apply:

(i) Parking structures shall be set back a minimum of 30 feet from the River Corridor Area.

(ii) Parking structures adjacent to the River Corridor Area shall not exceed 50 percent of the length of the lot frontage along the River Corridor Area.

(13) Lighting. All lighting within 100 feet of the River Corridor Area shall be shielded and directed away from the River Corridor Area

and shall be in accordance with Section 142.0740 (Outdoor Lighting Regulations).

(14) Fences. Within the 10-foot building setback area, only the following fences are permitted:

(A) A solid fence not to exceed three feet in height;

(B) A 75 percent open fence not to exceed six feet in height; or

(C) A combination of a three-foot tall solid fence topped with a three-foot tall 75 percent open fence.

(D) For purposes of this section, chain link fencing shall not qualify as a 75 percent open fence.

(15) Signs

(A) Within 100 feet of the River Corridor Area, wall signs fronting the river shall not exceed a height of 15 feet above finished grade.

(B) Ground signs between a building and the River Corridor Area shall be monument signs not to exceed five feet in height and shall be located within a landscaped area at least equivalent to the area of the sign face.

(C) Signs fronting the River Corridor Area shall be face lighted or internally lighted.

(D) Public Access Pathway Signs. A directional sign, designed in accordance with the San Diego River Park Master Plan, shall be placed in a clearly visible location at the

intersection of a public access pathway and the street, and
the intersection of a public access pathway and the River
Pathway.

(16) Plant Material. Plant materials within 15 feet of the River Corridor
Area shall be non-invasive low water use species.

(17) Streets that Abut and Run Parallel to the River Corridor Area

(A) Streets shall be the minimum width necessary pursuant to
the Street Design Manual of the Land Development
Manual.

(B) Curb cuts shall be minimized.

(C) On-street parking shall be provided in clusters of parking
bays along the river side of the street.

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

(a) through (b) [No change in text.]

(c) Southern Slopes

(1) [No change in text.]

(2) Steep Slope Lands

(A) [No change in text.]

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

Table 1514-03CD
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) through (4) [No change in text.]

(d) through (e) [No change in text.]

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

(a) [No change in text.]

(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 1514-03DE.

(2) [No change in text.]

Legend for Table 1514-03DE

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

**Table 1514-03DE
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 1514-03DE

- 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 1514-03EF.

Table 1514-03EF
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 1514-03FG.

Table 1514-03FG
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) through (3) [No change in text.]

(e) Yard and Setback Requirements

- (1) [No change in text.]
- (2) Minimum Parking and Building Setbacks- All Residential Zones as indicated in Table 1514-03GH.

Table 1514-03GH
Minimum Parking and Building Setbacks

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

(3) [No change in text.]

(f) Open Area - Exterior Usable Open Area

(1) [No change in text.]

(2) Standards

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

Table 1514-03HI
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) [No change in text.]

(g) through (m) [No change in text.]

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

(a) [No change in text.]

(b) Permitted Uses

- (1) No building or improvement, or portion thereof, 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 1514-03H. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03H

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

**Table 1514-03H
Commercial Zones Use Table**

COMMERCIAL	MV-CO	MV-CV	MV-CR
Accessory Uses	L ¹	L ¹	L ¹
Advertising, Secretarial & Telephone answering services	P	=	L ¹
Antique shops	=	P	P
Apparel shops	L ¹	L ¹	P
Art Stores and Galleries	L ¹	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 ¹	P	P
Barber shops	L ¹	P	P
Beauty shops	L ¹	P	P
Bicycle shops including rental and repair	L ¹	P	P
Boat sales/rentals agencies	P	=	=
Book stores	L ¹	P	P
Building materials stores	=	=	P
Business machine sales display & service	L ¹	=	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 ¹	P	P

COMMERCIAL	MV- CO	MV- CV	MV- CR
Curtain and drapery shops	=	=	P
Custom shops for curtains, draperies, floor coverings upholstery and wearing apparel	=	=	P
Dairy stores	L ¹	L ¹	P
Drug stores	L ¹	L ¹	P
Dry cleaning establishments (no truck delivery of finished cleaning)	L ¹	L ¹	P
Dry cleaning & laundry agencies and self-service dry cleaning & laundry establishments	L ¹	L ¹	P
Dry goods stores	=	=	P
Electronic data processing, tabulating, and record keeping services	P	=	L ¹
Employment agencies	P	=	P
Equipment and tool rental establishments (no man-ridden equipment)	=	=	P
Financial institutions over 5,000 sq. ft.	L ¹	=	P
Financial institutions 5,000 sq. ft. or less	P	P	P
Florists 5,000 sq. ft. or less	P	P	P
Food stores	L ¹	L ¹	P
Foreign Language Schools	P	=	P
Frozen food lockers	=	=	P
Furniture stores	=	=	P
Gift Shops	L ¹	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 ¹	P	P
Leather goods and luggage shops	=	L ¹	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 ¹	L ¹	P
Office furniture and equipment sales	L ¹	=	P
Offices; business and professional	P	P ²	P ²
Paint and wallpaper stores	=	=	P
Palm Readers, psychic readers	P	L ¹	P
Parking lots/structures	P	P	P
Pet shops	=	=	P
Pharmacies	L ¹	L ¹	P
Photographic equipment, supplies and film processing stores	L ¹	P	P
Photographic studios	L ¹	=	P
Physical Therapists	P	=	P

COMMERCIAL	MV- CO	MV- CV	MV- CR
Plumbing shops 5,000 sq. ft. or less; enclosed	=	=	P
Post offices	P	P	P
Private clubs, fraternal organizations and lodges	P	P ²	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 ¹	L ¹	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 ¹	P	P
Stationers	L ¹	P	P
Studios for teaching or art, dancing and music	P	L ¹	P
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 1514-03H

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) through (4) [No change in text.]

(c) through (d) [No change in text.]

(e) Yard and Setback Requirements

(1) [No change in text.]

(2) Building and parking setbacks shall be provided from the property line at a minimum dimension (linear feet) as stated in the Table 1514-03HK.

(3) through (4) [No change in text.]

**Table 1514-03HK
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 1514-03GK

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) through (l) [No change in text.]

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. It is also the purpose of these special regulations to support implementation of the San Diego River Park Master Plan. Where there is a conflict between these special regulations and those of Section 1514.0302 (San Diego River Park Subdistrict), the provisions of Section 1514.0302 shall apply.

§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. Within the River Influence Area, buildings shall also comply with the height limitations of Section 1514.0302(d)(2).

- (2) [No change in text.]

(b) Reflectivity

- (1) [No change in text.]

- (2) Ministerial projects: No more than 50 percent of any single elevation of a building's exterior may be constituted of material with a visible light reflectivity (VLR) factor greater than 30 percent, ~~except as noted in that, within the River Influence Area,~~ Section 1514.0302(h)(8) River Subdistrict shall apply.

- (c) [No change in text.]

§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) [No change in text.]
- (b) Within the River Park Subdistrict, Sections 1514.0302(jc)(8) and 1514.0302(d)(15) shall apply within the River Corridor Area and the River Influence Area respectively.
- (c) through (h) [No change in text.]

§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. All lighting shall comply with the requirements of Section 142.0740 (Outdoor Lighting Regulations).

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Doc. No. 510987_4