

**17739**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON FEB 18 1992

AN ORDINANCE AMENDING ORDINANCE NUMBER O-17533 (NEW SERIES) ADOPTED SEPTEMBER 24, 1990, AS AMENDED BY ORDINANCE NUMBER O-17627 (NEW SERIES) ADOPTED APRIL 8, 1991, RELATING TO THE CENTRE CITY SAN DIEGO INTERIM DEVELOPMENT AND DESIGN ORDINANCE.

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

Section 1. That Ordinance Number O-17533 (New Series) adopted September 24, 1990, as amended by Ordinance Number O-17627 (New Series) adopted April 8, 1991, be and the same is hereby amended to read as follows:

**THE INTERIM CENTRE CITY SAN DIEGO  
DEVELOPMENT AND DESIGN ORDINANCE**

**SECTION 1. PURPOSE AND INTENT**

[No change.]

**SECTION 2. BOUNDARIES AND APPLICABLE DISTRICTS**

[No change.]

**SECTION 3. ADMINISTRATION AND REQUIRED PERMITS**

**A. Administration**

The Executive Vice President of Centre City Development Corporation (hereafter known as the "Executive Vice President") will administer this Ordinance in conjunction with the Transportation Demand Management ("TDM") Administrator and the City Architect, and ensure compliance with the regulations

and procedures of this Ordinance and the Centre City San Diego Preliminary Community Plan. The Zoning Administrator shall have authority for the administration and sign off of Zoning Use Certificates ("ZUCs") in compliance with the Land Use Classifications permitted in TABLE 7, Land Use Districts, and FIG. 2, Land Use Emphasis [refer to TABLE 7 and FIG. 2, attached hereto and made a part hereof].

**B.** [No change.]

**C. Permit Required**

1. The Department of Building Inspection, Sign Code Administration, or Engineering and Development Department shall not issue any permit for the erection, construction, conversion, establishment, alteration or enlargement of any building or structure in any area of Centre City San Diego identified in Section 2 of this Ordinance until approval of a Centre City Development Permit by the Executive Vice President has been obtained by the owner or applicant. Excluded from this Ordinance are modifications, repairs or other alterations which do not require a building permit or any type of permit issued by the City of San Diego.

2. through 4. [No change.]

**D. Conditional Use Permits**

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**B.** [No change.]

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2. through 4. [No change.]

**D. Conditional Use Permits**

**CORRECTED COPY**

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1. Notwithstanding the provisions of Chapter X, Article 1, Division 5, Sections 101.0510, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560 and 101.0580, the Executive Vice President shall be the decision maker for the purpose of granting Conditional Use Permits within the boundaries delineated in Section 2 of this ordinance.

2. The Executive Vice President shall grant Conditional Use Permits according to the same criteria required for the Conditional Use Permits listed in Section 3.D.1. above. In all cases, the appeals procedures shall remain the same for the Conditional Use Permits listed in Section 3.D.1. above.

**E. Nonconforming Uses**

1. through 4. [No change.]

5. Where a use for a Single Room Occupancy Hotel or a historic site, designated pursuant to Municipal Code section 26.0201 et seq., conforms to the Centre City San Diego Preliminary Plan and the regulations of this Ordinance but the physical structure does not conform, the Executive Vice President may permit repair and rehabilitation of the nonconforming structure without requiring a Centre City Development Permit, if the Executive Vice President finds that there is no addition of floor area and no expansion of the use or

structure. Chapter X, Article 1, Division 3, of the Municipal Code is superseded by the provisions of this paragraph.

**F. Historic Sites**

1. The Executive Vice President shall review all project proposals that alter a designated or potentially designatable historic site.

2. [No change.]

3. The Executive Vice President shall determine if the proposed alteration is substantial and requires Historical Site Board review.

4. Alterations to a designated or potentially designatable historic site which are not substantial may be approved by the Executive Vice President.

**G. Demolition Permits**

1. No permits shall be issued for the demolition or removal of any building or structure unless the application for the permit has been approved by the Executive Vice President. If any structure or building is intentionally demolished or substantially damaged without obtaining a demolition permit, a building permit for that site will not be issued for a period of one year or a previously issued permit may be revoked for the period of one year. If the site was a designated

historic site, a permit will not be issued for two years or a previously issued permit may be revoked for a period of two years.

2. The Executive Vice President shall approve an application for a demolition permit if it is determined that the site in question is not a potentially designatable historic site. The Executive Vice President shall make the determination within ten (10) working days of the receipt of the application in the offices of the Centre City Development Corporation (hereafter known as "CCDC"). If the Executive Vice President does not make the determination within that specified period, the site shall be deemed not to be a potentially designatable historic site. If the site is found to be potentially designatable, the demolition or removal permit application shall not be approved for ninety (90) days or until the Historical Site Board has made a formal determination of the site's historic significance, whichever occurs first. The provisions of this section shall not apply to the following:

- a. [No change.]
- b. Any permit approved by the City Architect, Centre City Development Corporation Board, Planning Commission, Redevelopment Agency of The City of San Diego, or City Council as part of a

development project submitted, reviewed and approved in accordance with this Ordinance, and provided that such development application includes an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic or architectural significance of the property. That environmental document shall be reviewed by the Historical Site Board for the purpose of recommending to the Executive Vice President whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).

**H. Redevelopment Project Areas**

1. Projects located in the Gaslamp Quarter and Marina Redevelopment Project Areas, shown on Figure No. 1 [Refer to FIG. 1, attached hereto and made a part hereof], are subject to the existing ordinances and redevelopment plans governing those areas. Centre City Development Permit applications for those areas will be reviewed by the Executive Vice President in accordance with the provisions of the applicable ordinances and redevelopment plans for those Project Areas.

2. The requirements of this Ordinance shall apply to the Columbia and Horton Redevelopment

Areas. However, in case of conflict, the requirements of the adopted Redevelopment Plans apply. Centre City Development Permit applications for those areas will be reviewed by the Executive Vice President in accordance with the provisions of this Ordinance and applicable redevelopment plans.

**I. Other Applicable Planning and Zoning Regulations**

1. In evaluating and reviewing the appropriateness of any development for which a Centre City Development Permit is required or review is required for projects located in an adopted redevelopment plan area, the Executive Vice President or designated representative shall utilize the provisions of this Ordinance, the Centre City San Diego Preliminary Plan and the following design manuals, ordinances, or planned district ordinances as they apply:

a. through k. [No change.]

2. through 5. [No change.]

**SECTION 4. PROJECT REVIEW PROCEDURES**

The preparation, submittal, and review of projects in Centre City shall proceed through the following progression:

Stage I	Preapplication
Stage II	Basic Concept/Schematic Drawings
Stage III	Design and Development



**A. Preapplication**

The preapplication meeting stage is an early assistance phase which precedes the actual preparation of schematic plans by the applicant. During this stage the applicant makes known the project proposal to the Centre City Development Corporation and is advised of specific redevelopment and planning objectives related to the proposal. The applicant should submit sketch plans showing the proposed land use mix, intensity, parking and design of the project. The Centre City Development Corporation shall review the proposal and advise the applicant of design and development improvements, modifications, and procedural steps.

**B. Basic Concept/Schematic Drawings**

The design submittal shall illustrate the basic organization of the site. Plans shall be reviewed for two-dimensional considerations such as the relationship of land uses within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. A narrative explanation of the design concept should be provided.

**C. Design and Development**

Design and development drawings are a refinement of the Basic Concept/Schematic Drawings in which precise design elements of the project are determined.

This submittal shall include accurate site surveys, floor plans, elevations, sections, design details and a palette of exterior colors and materials. Other considerations such as pedestrian and vehicular circulation, provision for servicing, utility infrastructure and exterior architectural and urban design features should be included as appropriate.

**D. Fifty Percent (50%) Construction Drawings**

These drawings, if deemed necessary by the Executive Vice President, are expected to resolve concerns identified during the Design and Development Drawings review. Additional material submitted for this review shall include, as deemed appropriate by the Executive Vice President, off-site improvement drawings and landscape plans.

**E. One Hundred Percent (100%) Construction Drawings**

These represent the final plans, specifications and other documentation for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings shall be in sufficient detail to obtain a building permit.

**SECTION 5. APPLICATION PROCEDURES**

A completed Centre City Development Permit Application shall be submitted to the offices of CCDC to initiate review of the subject project.

**SECTION 6. PROJECT REVIEW PROCEDURES**

**A. Administrative Review**

Upon receipt of a complete Centre City Development Permit application, the Executive Vice President will conduct an administrative review. No public hearing is required for this review.

**B. Determination and Required Findings of Fact**

The Executive Vice President may approve, modify, or deny any application for a Centre City Development Permit. In approving the Permit, the Executive Vice President may impose reasonable conditions to ensure compliance with the regulations specified by this Ordinance. The Executive Vice President shall only approve an application for a Centre City Development Permit upon determining the following findings of fact:

1. through 3. [No change.]

**C. Exceptions**

1. The Executive Vice President may grant deviation to specific property development regulations specified in this Ordinance if all of the following conditions are met:

- a. through e. [No change.]

2. [No change.]

**D. Permit Issuance**

If the Executive Vice President approves a Centre City Development Permit, the application will be

referred to Building Inspection or the City Engineer for action as necessary.

**E. Permit Denial**

Disapproval of any Centre City Development Permit application requires the Executive Vice President to issue findings in writing of nonconformance with the provisions of this Ordinance and the Centre City San Diego Preliminary Community Plan.

**F. Appeals**

1. Appeals of the Executive Vice President's determination are made to the Planning Commission. Appeals must be submitted in writing to CCDC within ten (10) calendar days following the date of the Executive Vice President's decision.

2. [No change.]

3. Any project that is appealed requires a Notice of Public Hearing ten (ten) days prior to the Planning Commission hearing. Noticing requirements of Chapter X, Article 1, Division 2, of the Municipal Code shall apply to this section.

**G.** [No change.]

**H. Permit Revocation**

The Executive Vice President at any time may revoke a Centre City Development Permit issued under this Ordinance for failure to comply with the conditions of approval. Prior to revocation, the applicant shall be given a hearing after ten (10)

calendar days' notice to show cause why the Permit should not be revoked.

**SECTION 7. LAND USE DISTRICTS**

[No change.]

**SECTION 8. PROPERTY DEVELOPMENT REGULATIONS**

A. [No change.]

**B. Minimum Building Setbacks**

1. [No change.]

2. Rear, side and interior: None, except the Executive Vice President may require a ten foot (10') setback where a project is adjoining an existing residential project to maintain minimum provisions for light and air.

C. through F. [No change.]

**G. Street Level Development Standards**

1. [No change.]

2. Street Wall Setback: The street wall will be located up to or within five (5) feet of the street property line. Where sidewalk widening is required, setback standards shall be referenced to the line established by the new sidewalk width. Any exterior public open spaces meeting the criteria of the plaza design guidelines of the Preliminary Centre City San Diego Community Plan may increase the required street wall setback by an amount approved by the Executive Vice President.

3. Street Wall Length: The street wall shall be one hundred percent (100%) of the total linear street frontage. Any exterior public open spaces meeting the standards of the plaza design guidelines of the Preliminary Centre City San Diego Community Plan may reduce the required street wall length by an amount approved by the Executive Vice President.

4. through 7. [No change.]

H. and I. [No change.]

**J. Sun Access Criteria**

1. [No change.]

2. Sun access criteria apply to the areas designated on FIG. 8 [refer to FIG. 8 attached hereto and made a part hereof] and establish a building envelope which applies to the entire block. There are two different building envelopes, the Sun Access Envelope and the Transition Envelope.

a. and b. [No change.]

c. Within the Transition Envelope Areas, the Executive Vice President may approve projects that do not conform to the Transition Envelope but do create shadow beyond the extent of, or greater than the cumulative area of that of the Transition Envelope.

K. [No change.]

**L. Parking Structure Design Standards**

1. [No change.]

2. Two levels of parking must be accommodated below grade prior to accommodating parking above grade with the following exceptions:

a. [No change.]

b. For development infilled on sites or blocks which contain historic sites, designated pursuant to Municipal Code section 26.0201 et seq., an exception to below grade parking requirements may be permitted by the Executive Vice President. All other parking requirements shall apply.

c. [No change.]

3. and 4. [No change.]

5. Surface parking may be permitted if a Conditional Use Permit is obtained, not to exceed five (5) years. However, the Executive Vice President may grant a five-year extension of the Conditional Use Permit. Surface parking is subject to the requirements of the City-Wide Landscape Regulations (Municipal Code Chapter X, Article 1, Division 7) and City of San Diego Landscape Technical Manual, on file in the office of the City Clerk. As a condition of approval, lighting shall be provided to maintain security and safety within a surface lot. Lighting shall be shielded from surrounding uses.

7. In addition to the criteria of this Plan, the Executive Vice President may require any additional measures to ensure land use, circulation, and design compatibility with all free-standing, above-grade parking structures within Centre City.

M. Initial application for a sign permit shall be made to CCDC, along with all appropriate documentation required by Municipal Code sections 101.1101 through 101.1126 (the "San Diego Sign Ordinance") and this subsection 8(M), for review and comment to the Sign Code Administrator prior to the San Code Administrator issuing a sign permit. This review and comment by the Executive Vice President shall take no longer than ten (10) calendar days from the date of receipt of the application.

N. [No change in text of this subsection.]

#### **SECTION 9. PLAZA DESIGN GUIDELINES**

The Executive Vice President shall refer to the Plaza Design Guidelines of the Preliminary Centre City San Diego Community Plan in the review and approval of any urban open space that is one thousand (1,000) square feet or more in area and any urban open space proposed as an exception to required Street Level Development Standards.

#### **SECTION 10. COUNTY ADMINISTRATION CENTER DESIGN ZONE**

A. [No change.]



B. Any development proposal in this zone shall be reviewed by the County Chief Administrative Officer as well as the Executive Vice President regarding the design of the proposal prior to the issuance of a Centre City Development Permit.

C. [No change.]

D. The Executive Vice President shall refer to the Design Guidelines for The Pacific Highway - County Administration Center Design Zone on file in the office of the Clerk of the Board of the County of San Diego, adopted by the County Board of Supervisors on April 24, 1990, in review and approval of any project within this zone.

**SECTION 11. OFF-STREET LOADING REQUIREMENTS**

[No change.]

**SECTION 12. OFF-STREET PARKING REQUIREMENTS**

A. [No change.]

**B. Administrative Review**

1. The Planning Director or designated representative and the TDM Administrator or designated representative shall interpret and apply the terms of this section for permits within Centre City.

2. [No change.]

C. [No change.]

**D. Project Parking Compliance Report**

1. A Project Parking Compliance Report ("PPCR") shall be prepared by the project

applicant for review by the Planning Director or designated representative and TDM Administrator or designated representative. The Project Parking Compliance Report shall include:

a. through h. [No change.]

2. [No change.]

**E. through G.** [No change.]

**H. Reduction in Project Parking Demands**

1. Reductions in Project Parking Demand may be granted by the Executive Vice President if the project applicant applies for Shared Parking Standards and the Shared Parking requirement is lower than the Project Parking Demand (further discussion of Shared Parking Standards within the Centre City Community Area is included in Paragraph I of this Section).

2. and 3. [No change.]

**I. through L.** [No change.]

**M. Transportation Demand Management**

1. through 3. [No change.]

4. The amount of Project Parking Demand accommodated by Transportation Demand Management measures shall be calculated using the Parking Worksheet [refer to Table 8: CENTRE CITY PARKING WORKSHEET attached hereto and made a part hereof] and will be determined by the Executive Vice President and the TDM Administrator or designated representative.

5. [No change.]

**N. Substitute Parking Commitments**

1. A Substitute Parking Commitment ("SPC") is a legal agreement between the project applicant and The City of San Diego that specifies the nature and extent of actions taken to accommodate the Project Parking Demand with means other than On-site Parking. The Commitments must be:

a. Measures that are recognized by the Executive Vice President and the TDM Administrator or designated representative as reasonably reducing the extent of or need for On-Site Parking; and

b. [No change.]

2. through 4. [No change.]

**O. through Q. [No change.]**

**R. Project Plan Monitoring**

1. Upon issuance of a building permit by The City of San Diego, the owners of the development shall report to CCDC changes in the availability of on-site or off-site parking facilities or Substitute Parking Commitments. The TDM Administrator or designated representative shall determine compliance with this Section of this Ordinance.

2. and 3. [No change.]

**SECTION 13. ALCOHOL BEVERAGE SALE PERMIT**

A. Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain an alcohol beverage sale permit from the Executive Vice President.

B. [No change.]

C. The Executive Vice President may grant, with Police Department comment and review, an Alcoholic Beverage Sale Permit with the following conditions of approval:

1. through 3. [No change.]

D. [No change.]

E. After considering the facts presented in the application, the Executive Vice President may grant such permit if it is concluded at the hearing that all of the criteria set forth above and in Municipal Code section 103.0403 C have been met. In granting the Alcoholic Beverage Sale Permit, the Executive Vice President may impose reasonable conditions to ensure compliance with the provisions of this Ordinance.

F. The Executive Vice President may revoke an Alcohol Beverage Sale Permit if conditions as set forth in the permit are not being met. Prior to revocation, the permittee shall be given a hearing after ten (10) calendar days' notice to show cause why the Permit should not be revoked.

**SECTION 14. LAND USES CLASSIFICATIONS**

Land use classifications describe one or more uses having similar characteristics but do not list every use or activity that may be appropriate within the classification. The Executive Vice President shall determine whether a specific use falls within one or more of the use classifications described in Table 7 of this Ordinance. [Refer to TABLE 7: LAND USE CLASSIFICATIONS PERMITTED BY LAND USE DISTRICTS attached hereto and made a part hereof.] The Board of Directors will make the final determination if significant planning issues are involved.

A. through I. [No change.]

**SECTION 15. DEFINITIONS**

[No change.]

**SECTION 16. ADOPTION/CERTIFICATION**

[No change.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Allisyn L. Thomas  
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc:skh  
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FEB 18 1992

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *SiAnne Olin*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 03 1992, and on FEB 18 1992

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *SiAnne Olin*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number.....	0-17739
Adopted.....	FEB 18 1992

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