

ORDINANCE NUMBER O- 19664 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 07 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, AMENDING SECTIONS 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, AND 156.0315, AND SUBSTITUTING NEW FIGURE B, IN CHAPTER 15, ARTICLE 6, DIVISION 3, RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE.

WHEREAS, the primary purpose of the Centre City Planned District Ordinance [PDO] is to implement the Downtown Community Plan [Plan]; and

WHEREAS, the PDO was adopted by the Council of the City of San Diego by Ordinance Number O-17764 on May 11, 1992; and amended by Ordinance O-19471 on April 3, 2006, and

WHEREAS, the Centre City Development Corporation (CCDC), as the agent for the Redevelopment Agency within the downtown area, has proposed amendments to the parking regulations to conform the PDO to the Downtown Community Plan; and

WHEREAS, the proposed amendments to the PDO have been reviewed and considered by the CCDC Board and the Centre City Advisory Committee [CCAC]; and

WHEREAS, the Planning Commission of the City of San Diego held a public hearing on June 28, 2007 for the purpose of considering the proposed amendments to the PDO; and

WHEREAS, the Planning Commission of the City of San Diego have found the proposed amendments to the PDO consistent with the Downtown Community Plan; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending Sections: 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, and 156.0315 are amended to read as follows:

**§156.0302 Centre City Land Development Manual**

- (a) [No change in text.]
- (b) [No change in text.]
  - (1) [No change in text.]
  - (2) Major amendments to the *CCDC* Land Development Manual shall be approved by the *CCDC* Board of Directors. Major amendments shall include changes that exceeds the requirements to qualify as a minor amendment as provided in Section 156.0302(b)(1).
- (c) and (d) [No change in text.]

**§156.0304 Definitions**

[No change in text.]

*Active commercial uses* mean commercial uses that are accessible to the general public which generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Uses that generate pedestrian activity include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, *hotel* lobbies, banks, travel agencies, airline ticket agencies, child care services, libraries, museums and galleries.

*(Base FAR) through Urban open space* [No change in text.]

**§156.0305 Rules of Calculation and Measurement**

[No change in text.]

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

(d) [No change in text]

(1) [No change in text.]

(2) The addition consists of a mezzanine within the structural envelope of a building where the mezzanine is less than one-third of the *floor* area immediately below.

(e) With the exception of buildings or structures that are *historical resources*, mechanical penthouses do not count against GFA when architecturally integrated into the overall building design.

**§156.0307 Land Use Districts**

[No change in text.]

(a) Base Districts

[No change in text]

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

(6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artists' studios, live/work spaces, *hotels*, offices, research and *development*, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted. Within the

Mixed Commercial District, up to 100 percent of the ground *floor street* frontage may be *active commercial uses*.

- (7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, and services, and small-scale ground *floor active commercial uses* (such as cafes and retail stores) are also allowed, subject to size and area limitations. Within the Residential Emphasis District, at least 80 percent of the *GFA* must be occupied by residential land uses. Non-residential land uses may occupy no more than 20 percent of the *GFA*. Floor area dedicated to *active commercial uses* to satisfy the requirements of either the Main Street or Commercial Street overlay districts shall not be counted against the maximum non-residential percentage of *GFA*.

(b) Overlay Districts

[No change in text]

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

- (4) *Commercial Street Overlay (-CS)*. On designated *Commercial Streets*, as illustrated in Figure D, a minimum of 60 percent of the ground *floor street* frontage shall contain *active commercial uses*. Along the west side of Park Boulevard, a minimum of 40 percent of the ground *floor street* frontage shall contain *active commercial uses*. Those uses which are appropriate for locations along

*Commercial Streets* are identified in Table 0308-A, under *Main Street/Commercial Street* overlays.

- (5) through (9) [No change in text.]
- (10) *Main Street Overlay (-MS)*. On designated *Main Streets*, as illustrated in *Figure D*, a minimum of 80 percent of the ground *floor street* frontage shall contain *active commercial uses*. Those uses which are appropriate for locations along *Main Streets* are identified in Table 0308-A, under *Main Street/Commercial Street* overlays.
- (11) and (12) [No change in text.]

**§156.0308 Base District Use Regulations**

(a) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District zones are shown in Table 0308-A, below. The “Additional Regulations” column includes special standards applicable to a use that are located following the table (by footnote designation) or in the referenced section of the City’s Land Development Code. If a use is listed as a Separately Regulated Use and there is not an associated reference in the Additional Regulations column, then the standards in the City’s Land Development Code may not apply, as determined through the project review process.

(b) *Previously Conforming Land Uses*

Land uses that were legally established under previous legislation but no longer conform to the land use regulations of this section may continue subject to the provisions of Section 127.0101 et seq of the Land Development Code, with the exception that the *GFA of Previously Conforming Uses* may be expanded up to 100% through a Neighborhood Use Permit.

Table 0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required														
Use Categories/ Subcategories (See Land Development Code §131.0112 for an explanation and description of the Use Categories, Subcategories and Separately Regulated Uses.)	C	NC	ER	BP	WM <sup>8</sup>	MC	R	I <sup>8</sup>	T <sup>8</sup>	PC	OS	CC <sup>8</sup>	Additional Regulations	Main Street/ Commercial Street/Emp- loyment Required Overlays
<b>Public Park/ Plaza/Open Space</b>	P	P	P	P	P	P	P	P	P	P	P	P		
<b>Agriculture</b>	--	--	--	--	--	--	--	--	--	--	--	--		
<b>Residential</b>														
<i>Group Living</i>	L	L	L	L	--	L	L	--	--	L	--	--	§131.0423(c)	
<i>Multiple Dwelling Units</i>	P	P	P	P	--	P	P	--	--	P	--	--		
<i>Shopkeeper Units</i>	P	P	P	P	--	P	P <sup>2</sup>	--	--	P	--	--		
<i>Live/Work Quarters</i>	P	P	P	P	--	P	P	--	--	P	--	--	§141.0311	
<b>Separately Regulated Residential Uses</b>														
<i>Fraternities, Sororities and Dormitories</i>	N	N	N	N	--	N	N	--	--	N	--	--	§141.0304 (c)-(e)	
<i>Home Occupations</i>	P	P	P	P	--	P	P	--	--	P	--	--	§141.0308	
<i>Housing for Senior Citizens</i>	C	C	C	C	--	C	C	--	--	C	--	--	§141.031 §156.0303(f)	
<i>Living Units</i>	P	P	P	P	--	P	P	--	--	P	--	--	§156.0315 (b)	
<i>Residential Care Facilities</i>	C	C	C	C	--	C	C	--	--	C	--	--	§156.0303(f) §141.0312	

**Table 0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS**

**LEGEND:** P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required

<b>Use Categories/ Subcategories</b> (See Land Development Code §131.0112 for an explanation and description of the Use Categories, Subcategories and Separately Regulated Uses.)	C	NC	ER	BP	WM <sup>8</sup>	MC	R	I <sup>8</sup>	T <sup>8</sup>	PC	OS	CC <sup>8</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
<i>Transitional Housing</i>	C	C	C	C	--	C	C	--	--	C	--	--	§141.0313 §156.0315(f)	
<b>Institutional</b>														
<b>Separately Regulated Institutional Uses</b>														
<i>Churches &amp; Places of Religious Assembly</i>	P	P	P	P	--	P	--	--	--	P	--	--		C
<i>Communication Antennas</i>														
Minor Telecommunication Facility	L	L	L	L	L	L	N	L	L	L	C	L	§141.0405	
Major Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	C	C	§141.0405	
Satellite Antennas	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405	
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	--	--	--	P	P <sup>9</sup>	P		C, E
Educational Facilities	P	P	P	P	P	P	--	--	--	P	--	P		E
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	C	§141.0408	C
Exhibit Halls & Convention Facilities	--	--	--	--	--	C	--	C	C	C	--	P		E
Homeless Facilities	C	--	C	C	--	C	--	--	--	C	--	--	§141.0412 §156.0315(f)	
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	--	P		C, E
Major Transmission, Relay or Communication Switching Station	C	--	C	C	--	C	--	C	C	--	--	--	§141.0416	
<i>Social Service Institutions</i>	C	--	C	C	--	C	--	--	--	C	--	--	§156.0315(f)	

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<b>Retail Sales</b>	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307 (a), (b) & Figure C	M, C, E
<b>Commercial Services</b>														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--		C, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P <sup>9</sup>	P		C, E
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N <sup>9</sup>	N		
Building Services	P	P	P	P	P	P	--	--	--	P	--	--		C, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P		C, E
<b>Eating &amp; Drinking Establishments</b>														
<i>Bona Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315 (a)	M, C, E
<i>Non-Bona Fide Eating Establishments w/Alcohol</i>	C	C	C	C	C	C	--	--	--	C	--	C	§156.0315 (a)	M, C, E
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	P	N		M, C, E
With Live Entertainment & Dancing	C	C	C	C	C	C	--	--	--	C	--	C	§156.0315 (a)	M, C, E
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P		M, C, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--		C
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P		C, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	P		
Personal Services	P	P	P	P	P	P	P	--	--	P	--	P		M, C, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	P		C, E
<b>Visitor Accommodations</b>														
<i>Hotels and Motels</i>	P	P <sup>4</sup>	P	P	P	P	--	--	--	P	--	P		C, E
<b>Separately Regulated</b>														



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<b>Use Categories/ Subcategories</b> (See Land Development Code §131.0112 for an explanation and description of the Use Categories, Subcategories and Separately Regulated Uses.)	C	NC	ER	BP	WM <sup>8</sup>	MC	R	I <sup>8</sup>	T <sup>8</sup>	PC	OS	CC <sup>8</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
<b>Commercial Service Uses</b>														
Animal Hospitals & Kennels	C	--	C	C	--	C	--	--	--	--	--	--	§141.0604(b)(1)	C
Bed & Breakfast Establishments	P	P	P	P	--	P	P	--	--	P	--	--		C
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P		C, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		M, C
Parking Facilities (structure or surface)	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	M <sup>3</sup> , C <sup>3</sup>
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P		
Pushcarts	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	§141.0619	
<b>Recycling Facilities</b>														
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620 (b)	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620 (c)	
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620 (e)-(f)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620 (d)	
Sidewalk Cafes	N	N	N	N	N	N	N	--	--	N	N	N	§141.0621	
Single Room Occupancy Hotels (SRO)	P	P <sup>4</sup>	P	P	--	P	P	--	--	--	--	--	§143.0510 - 143.0590	
Offices	P	P	P	P	P	P	P	--	--	P	--	P		
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Service</b>														
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	P		C, E
All Other Vehicle & Vehicular Sales & Service	--	--	--	--	--	C	--	C	C	--	--	--		

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<b>Separately Regulated Vehicle &amp; Vehicular Sales &amp; Service Uses</b>														
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	--	--	§141.0801	
<b>Wholesale, Distribution &amp; Storage</b>														
Moving & Storage Facilities	L <sup>5</sup>	--	L <sup>5</sup>	L <sup>5</sup>	P	P	--	P	P	--	--	--		
Warehouses & Wholesale Distribution	L <sup>5</sup>	--	L <sup>5</sup>	L <sup>5</sup>	P	P	--	P	P	--	--	--		
<b>Separately Regulated Wholesale, Distribution &amp; Storage Uses</b>														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
<b>Industrial</b>														
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--		
Light Manufacturing	P	--	P	P	P	P	--	P	P	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--		
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--		E
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--		
<b>Signs</b>														
Allowable Signs	P	P	P	P	P	P	P	P	P	P	P	P	§142.1201 et. seq. §156.0314	
<b>Separately Regulated Sign Uses</b>														
Community Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101	
Signs with Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	§141.1102	

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Use Categories/ Subcategories (See Land Development Code §131.0112 for an explanation and description of the Use Categories, Subcategories and Separately Regulated Uses.)	C	NC	ER	BP	WM <sup>8</sup>	MC	R	I <sup>8</sup>	T <sup>8</sup>	PC	OS	CC <sup>8</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
Theatre Marquees	N	N	N	C	N	N	N	--	--	N	N	N	§141.1103	
<b>Other Use Requirements</b>														
Temporary Uses	Temporary Uses and Structures are regulated under Section §123.0401													

**Footnotes to Table 0308-A**

- <sup>1</sup> Not permitted on State and Federal tidelands.
- <sup>2</sup> Commercial floor use area contributes to 20% commercial use allowance and is subject to locational limitations of districts.
- <sup>3</sup> Limited to parking structures.
- <sup>4</sup> Up to 200 rooms permitted. Requires active ground floor uses along street frontages.
- <sup>5</sup> Limited to 20% gross floor area above grade.
- <sup>6</sup> Uses designated with -M, Main Street Overlay, -C, Commercial Street Overlay, or -E, Employment Required Overlay are those uses which qualify to meet minimum percentages as specified in sections 156.0307(b)(4), (6), and (10) of this Division, respectively.
- <sup>7</sup> Notwithstanding any other section of the Municipal Code, the required quarter mile separation between human service agencies shall not apply to multiple uses on the same premises.
- <sup>8</sup> These districts include properties that may be within State Tidelands or under the ownership of the United States Government, County of San Diego, or Port of San Diego. Lands west of the Mean High Tide Line are under the jurisdiction of the Port of San Diego and this Land Use Table is for planning purposes only. For lands owned by the United States Government, development and land uses are regulated by the Federal Government and may be subject to any development agreement (s) executed with the City of San Diego. For lands owned by the County of San Diego, development and land uses are regulated by the County of San Diego and the State of California Coastal Commission, except for private developments which are also subject to the Centre City Planned District Ordinance.
- <sup>9</sup> Any enclosed spaces containing parking, assembly, entertainment, or cultural institutions shall be located underground.
- <sup>10</sup> Structured parking facilities incorporated into a project that are a secondary, not primary, use shall be permitted by right and not be required to obtain a Conditional Use Permit.

<b>TABLE 0308-B MINIMUM AND MAXIMUM PERMITTED ACTIVE COMMERCIAL USE<sup>1</sup></b>		
<i>Main Street/Land Use District</i>	<i>Minimum Required Ground Floor Street Frontage for Active Commercial Use</i>	<i>Maximum Permitted Ground Floor Street Frontage for Active Commercial Use<sup>3</sup></i>
Parcels located along designated <i>Main Streets</i> , in any Land Use District <sup>2</sup>	80 percent	100 percent
Parcels located along designated <i>Commercial Streets</i> , in any Land Use District	60 percent	100 percent
Core (C)	40 percent	100 percent
Neighborhood Mixed-Use Center	40 percent	100 percent
Ballpark Mixed-Use (BP)	40 percent	100 percent
Employment/Residential Mixed-Use (ER)	None	100 percent
Waterfront/Marine (WM)	20 percent	50 percent
Mixed Commercial (MC)	None	100 percent
Residential Emphasis (R)	None	100 percent
Convention Center/Visitor (CC)	20 percent	50 percent
Public/Civic (PC)	40 percent	100 percent
Park/Open Space (OS)	None	None
Industrial (I)	None	20 percent
Transportation (T)	None	None

<sup>1</sup> Any parcel 10,000 square feet or less is exempt from the minimum and maximums set forth in this table except for those sites on *Main Streets* and/or *Commercial Streets* with a 50 foot *street frontage* or less, in which case, that frontage is required to provide 50% of the frontage in active commercial uses.  
<sup>2</sup> Along the west side of Park Boulevard, a minimum of 40 percent of the ground *floor street* frontage shall contain *active commercial uses*.  
<sup>3</sup> At no time shall the maximum permitted ground *floor street* frontage result in less than 20 feet of storefront.

**§156.0309 Floor Area Ratio (FAR) Regulations and Transfer of Development Rights (TDRS)**

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

(d) Ballpark Mixed-Use District

Within the Ballpark Mixed-Use District, illustrated in Figure B, an *FAR* of 6.5 shall apply throughout the district. To implement the intent and purposes of Ordinance No. O-18613 [New Series], transfers may be approved of any portion of the *floor* area permitted pursuant to this Section from the ballpark parcel to any other property within the district, if

in each case such property to which the applicable *floor* area is transferred (1) is developed pursuant to a common plan or program with the property from which the *floor* area is transferred as approved by the City Council, and (2) if appropriate covenants, conditions and restrictions are imposed on the affected properties to memorialize the reallocation of permitted *floor* areas. However, in no event shall *development* which is issued a *Centre City Development Permit* after November 1999 be allowed in the district which would result in the cumulative average daily traffic (ADT) trips from such *developments* (excluding ADT trips from the ballpark) in excess of 55,128 cumulative ADT trips, where ADT trips for the applicable land uses are calculated based on Centre City Cumulative Trip Generation Rates, as provided in the Centre City Land Development Manual, as applied to the *GFA* areas of the respective *developments*. This limit shall not apply to the block bounded by Park Boulevard, and J, K, and 13<sup>th</sup> streets.

(e) *FAR Bonuses*

[No change in text.]

TABLE 0309-A: FAR BONUS	
Public Benefit/ Project Amenity	FAR Bonus (to be added to Base Maximum FAR)
Affordable/ Senior housing	See (1) below
Urban Open Space 10% of site	0.5
20% of site	1.0
3-bedroom units	0.5 – See (3) below 1.0 - See (3)below
Eco-Roofs	Up to 1.0 – See (4) below
Employment Uses	See (6) below
Public Parking	See (7) below
FAR Payment Bonus Program	Up to 2.0

(1) [No change in text.]

(A) through (C) [No change in text.]

(D) The *bonus FAR* for a project containing affordable/senior housing shall be calculated as follows:

Permitted *FAR* = Base GSF - NR GSF x Affordable Bonus % + Base GSF /Site Area, where:

Permitted *FAR* = Base Gross Square Feet (GSF) permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable/senior bonus percentage (%) as specified in Table 0309-B, plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the other FAR Bonus programs such as Urban Open Space, *Eco-roofs*, Public Parking, and/or FAR Payment Program.

<b>TABLE 0309-B: FAR BONUSES (%)</b>				
<b>%Restricted Units in Base (Pre-Bonus) FAR</b>	<b>Very Low-Income Rental (0 - 50% AMI)</b>	<b>Low-Income Rental (Target 51%-80% AMI)</b>	<b>Moderate For-Sale (81-120% AMI) (Initial Sales per LDC)</b>	<b>Moderate For-Sale (81-120% AMI) (Restricted in Perpetuity)</b>
5	20	10	--	10
6	22.5	15	--	15
7	25	20	--	20
8	27.5	25	--	25
9	30	30	--	30
10	35	35	20	35
11	"	"	21	"
12	"	"	22	"
13	"	"	23	"
14	"	"	24	"
15	"	"	25	"
16	"	"	26	"
17	"	"	27	"
18	"	"	28	"
19	"	"	29	"
20	"	"	30	"
21	"	"	31	"
22	"	"	32	"
23	"	"	33	"
24	"	"	34	"
25	"	"	35	"

(E) [No change in text.]

(F) The affordable housing units provided in the project which qualify for the bonus shall be restricted per Chapter 14, Article 3, Division 7, except for those for sale units required to be restricted in perpetuity, per Table 0309 B. For projects requesting Redevelopment Agency financial assistance or other agreements, additional restrictions may

be requested for the units to qualify as affordable units under State Redevelopment Law provisions.

(G) A housing project qualifying for a bonus for affordable/*senior housing* shall enter into an agreement with the City of San Diego Housing Commission to monitor the affordable restrictions for the units qualifying as affordable/*senior units*.

(H) [No change in text.]

(2) [No change in text.]

(3) *Three-Bedroom* Units. In order to encourage larger *dwelling units* to accommodate larger families, projects that provide a minimum of 10 percent of the total amount of residential units within the project as *three-bedroom* units, not to exceed 1,200 square feet in size, shall be entitled to an *FAR bonus*, provided that there are a minimum of 5 *three-bedroom* units provided in the project. For projects containing at least 50% of the GFA in residential uses, the Bonus shall be 0.5, while projects containing at least 80% of the GFA in residential uses shall be eligible to earn a Bonus of 1.0. Each *bedroom* in the dwelling unit shall contain a minimum of 70 square feet with additional space for an enclosed closet. *CC&Rs* shall be recorded on the property ensuring that the units used for bonuses shall not be reduced in the number of *bedrooms*. Such



*CC&Rs* shall be in a form approved by *CCDC* and the City Attorney's Office.

- (4) *Eco-Roofs*. *Eco-roofs* are encouraged in downtown because they reduce stormwater run-off, lower energy consumption, and counter the increased heat of urban areas and provide visual interest. In order to encourage landscaped and ecologically designed roof tops, a *density* bonus of additional buildable area will be provided based on the amount of landscaped *Eco-roof* area. *Eco-roof* area is defined as only the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings and specifications must be provided prior to issuance of building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.
- (A) The amount of *density* bonus allowed for a given project depends on the amount of *Eco-roof* coverage in relation to the building's footprint above thirty-feet from grade. There are three classes as follows:
- (i) The total landscaped area of *Eco-roof* is 10% to 30% of the building's footprint, each square foot of the *Eco-roof* earns one square foot of additional *floor* area.
  - (ii) The total landscaped area of *Eco-roof* is 31% to 60% of the building's footprint, each square foot of

the *Eco-roof* earns two square foot of additional *floor area*.

- (iii) The total area of *Eco-roof* is over 60% of the building's footprint, each square foot of the *Eco-roof* earns three square foot of additional *floor area*.
- (iv) Total additional *floor area* earned by an *Eco-roof* cannot exceed 1.0 FAR.

(B) CC&Rs shall be recorded on the property providing for the development and on-going maintenance of the *Eco-roof* to City standards for the life of the project. Such CC&Rs shall be in a form approved by CCDC and the City Attorney's Office.

(C) All areas improved to meet this bonus shall be designed in accordance with Section 156.0311(i)(5).

(D) All vegetation must be maintained for the life of the project.

(5) *Employment Uses*. In order to encourage the *development of employment uses* in the Centre City Planned District, projects may earn *bonus FAR* based on the provision of *employment uses* within their projects. In the Employment Required Overlay District, projects containing 100 percent *employment uses*, excluding *hotel/motel uses*, may increase their *FAR* by the maximum *FAR* illustrated on Figure L. In all other areas of the Centre City

Planned District, any project that contains at least 50 percent *employment uses*, excluding *hotel/motel uses*, may increase their maximum *FAR* to the maximum *FAR* illustrated in Figure L.

- (6) **Public Parking.** Allow one square foot of bonus *floor* area for every square *foot* provided in parking areas permanently available for public use. A *public parking* easement shall be executed for such facilities, with restrictions and covenants acceptable to *CCDC* and the *City of San Diego*.
  - (7) ***FAR* Payment Bonus Program.** The Redevelopment Agency has established a *FAR* Payment Bonus Program to permit projects to obtain increased *FARs* through the *FAR* Payment Bonus Program. Projects may purchase additional *FAR* through the *FAR* Payment Bonus Program. The maximum amount of *FAR* which may be purchased through this program shall be as shown in Figure J.
- (f) Exemptions from *FAR* Calculations
- [No change in text.]
- (1) Through (2) [No change in text.]
  - (3) **Public Parking.** Above-grade parking areas permanently available for public use shall not be counted as GFA for the purposes of calculating the *FAR* for the project. A *public parking* easement shall be executed for such facilities with restrictions and covenants acceptable to *CCDC* and the *City of San Diego*.

(4) *Main/Commercial Streets*. All *floor* area located on the ground *floor* or ground *floor* mezzanine that is directly accessible to the *street* and is dedicated to *active commercial uses* on *Main Streets* or *Commercial Streets* shall not be counted as *GFA* for the purposes of calculating the *FAR* for the project.

(5) [No change in text.]

(g) [No change in text.]

**§156.0310 Development Regulations**

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

(d) Building Bulk

[No change in text.]

TABLE 0310-A: DEVELOPMENT STANDARDS						
Land Use Districts	Residential Emphasis (R)	Neighborhood Center (NC)	All Other	Employment Required (-ER) or Large Floorplate (-LF) Overlays	Little Italy Sun Access Overlay (-LISA)	Properties West of Kettner Boulevard
<b>Building Height (ft. from ground level)</b>						
Base/Streetwall						
Minimum	45	45	45	45	30/40 <sup>1</sup>	45
Maximum	85	65 <sup>3</sup>	85	85	50/85	85
Mid-Zone						
Maximum	N/A	N/A	N/A	180	125	N/A
Tower	Maximum Height Per Figure F					
<b>Maximum Lot Coverage</b>						
Base	100%	100%	100%	100%	100%	100%
Mid-Zone	N/A	N/A	N/A	80%	N/A	N/A
Tower	50%	50%	50%	60%	50%	50%
<b>Tower Dimensions</b>						
North-South	200	140	200	200	110	140
East-West	130	130	130	150	110	130
<b>Tower Setbacks</b>						
From Public ROW	15 <sup>2</sup>	15/25 <sup>3</sup>	15 <sup>1</sup>	15 <sup>2</sup>	15	15 <sup>2</sup>
From Interior PL	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>
<sup>1</sup> See Section 156.0310(d)(1)(D)(iii). <sup>2</sup> See Section 156.0310(d)(3)(D) for exemptions. <sup>3</sup> Applied along Main Streets with a general north-south orientation, without exception. <sup>4</sup> See Section 156.0310 (d)(3)(E) for exemptions.						

(1) Building Base

[No change in text]

(A) through (C) [No change in text.]

(D) Minimum Street Wall Height. [No change in text]

(i) through (ii) [No change in text.]

(iii) Within the Little Italy neighborhood, projects may exhibit a reduced minimum *street* wall height of 40 feet north of Beech Street and 30 feet north of Ivy Street.

(iv) [No change in text.]

TABLE 0310-B: VIEW CORRIDOR STEPBACKS		
STREET (refer to Figure G for applicable locations)	REQUIRED STEPBACK (Feet)	STEPBACK ELEVATION (Feet)
Laurel Street	15	30
Juniper Street	15	30
Hawthorn Street	15	30
Grape Street	15	30
Fir Street	15	30
Date Street		
– West of Pacific Hwy	20	Ground Level
– East of Pacific Hwy	15	30
Cedar Street		
– West of India Street	15	Ground Level
– India Street to First Avenue	15	50
Beech Street		
– West of Pacific Highway	20	Ground Level
– Pacific Highway to Kettner Boulevard	15	30
– Kettner Boulevard to Sixth Avenue	15	50
Ash		
– West of Kettner Boulevard	25	50
– Kettner Boulevard to Sixth Avenue (south side only)	15	50
A Street	25	50
B Street	25	50
C Street	25	50
Broadway		
– Harbor Drive to Pacific Hwy (W ½ block)	65	Ground Level
– Harbor Drive to Pacific Hwy (E ½ block)	55	Ground Level
– Pacific Hwy to Kettner Boulevard	40	Ground Level
– Between Kettner Boulevard and Park Boulevard	15	Ground Level
E Street	25	50
F Street	25	50
G Street	25	50
Pacific Highway	25	45 – 130
Park Boulevard (south of K Street)	10	60
	30	90

(E) Maximum *Street Wall* Height. The maximum height of the *street wall* shall be between 50 and 85 feet as specified in Table 0310-A, measured from the average grade of the adjoining sidewalk to the top of the parapet (may be

calculated in 100 foot increments for sites with grades greater than 5%) subject to the following exceptions:

(i) through (iv) [No change in text.]

(F) [No change in text.]

(2) [No change in text.]

(3) *Tower*

[No change in text.]

(A) through (C) [No change in text.]

(D) Tower Setback from Public Streets. [No change in text.]

(i) One side of any *tower* shall be exempted from this *setback* requirement, except within the Little Italy Sun Access Overlay District.

(ii) Two sides of a *tower* may be exempted from this *setback* requirement when it is determined through the *Design Review* process that the resulting design is improved and does not result in massing inconsistent with the neighborhood. This provision does not apply within the Little Italy Sun Access Overlay District.

(iii) In *Neighborhood Centers*, the *tower* shall always be set back a minimum of 25 feet from any *property line* along a designated *Main Street* with a general north/south orientation.

(E) through (F) [No change in text.]

(e) Ground Floor Heights

[No change in text.]

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

- (3) Average of 20 feet, but not less than 18 feet, for buildings containing ground *floor active commercial uses* within *Neighborhood Centers* or along *Main Streets*, with the exception of the Little Italy Neighborhood Center, which may have a 15 foot minimum ground *floor* height.

(f) [No change in text.]

(g) Residential Project Requirements

(1) [No change in text.]

- (2) Pet Open Space. Each project shall provide a minimum area of 100 square feet improved for use by pets clearly marked for such exclusive use. Such areas shall include permeable surfaces, a hose bib, and be drained to the public sewer system (except for at-grade lawn areas).

**§156.0311 Urban Design Regulations**

[No change in text]

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

(c) *Street Level Design*

[No change in text.]

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



(5) Utilities. Electrical transformers and generators shall be located below grade, outside the *public right-of-way*, with only the minimum width access hatch to the vault allowed within six feet of the *street* curb. Areas housing trash, storage, or other utility services shall be located in the garage or otherwise completely concealed from view of the *public right-of-way* and adjoining *developments*, except for utilities required to be exposed by the City or utility company. Backflow prevention devices are to be located in a building alcove, landscaped area, or utility room within the building, outside of the *public right-of-way*, and completely *screened* from view. No utility services may be located above *grade* in the *public right-of-way* within the Centre City Planned District except in instances when no other feasible alternative is available to serve *historical* buildings.

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

(g) *Tower Design*

(1) through (6) [No change in text.]

(7) Exterior Stairways. Exit stairways shall be incorporated into the enclosed *floor* plate of buildings. Exterior stairs connecting no more than three *floors* may be permitted through the *Design Review* process.

(h) [No change in text.]

- (i) Rooftops  
(1) through (4) [No change in text.]
- (j) Encroachments into the Public *Rights-of-Way*  
[No change in text.]
- (k) Building Identification  
[No change in text.]
- (l) [No change in text.]
- (m) Additional Standards for Residential Projects  
[No change in text.]  
(1) through (7) [No change in text.]
- (n) Additional Standards for *Main Streets*  
[No change in text.]
- (o) Additional Standards for Neighborhood Mixed use Center and Fine Grain  
Development Overlay Districts  
[No change in text.]  
(1) through (2) [No change in text.]  
(3) Pedestrian Engagement.  
[No change in text.]  
(A) Within Neighborhood Mixed-Use Centers, the horizontal  
spacing of entry doors to ground *floor* uses shall not exceed  
40 feet. For projects located within Fine Grain  
Development Overlay districts, the maximum horizontal  
spacing of entry doors is 50 feet. Service areas, parking

entries and other support functions should be located at mid-block locations.

(B) [No change in text.]

(p) Ballpark Mixed-Use District Design Guidelines

[No change in text.]

(q) Urban Open *Space* Design Guidelines

[No change in text.]

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

(4) The *grade* of an *urban open space* can not be more than 3 feet above or below the sidewalk *grade*. On sloping sites, the change in elevation between the sidewalk adjacent *urban open space* must include gracious steps and landings, with features such as low risers and wide treads, and any planter boxes shall include seating ledges.

(5) Plaza lighting shall be provided to ensure adequate security and shall be coordinated in design with the lighting used in the *public-right-of-way* and with the architectural lighting of the building.

(6) *Urban open space* landscaping should complement and extend the materials and design of the adjoining *public right-of-way*.

(A) through (C) [No change in text.]

(D) For planting located above an underground structure the minimum planting area shall be as follows:

- (i) Trees shall have a minimum planting area of 40 square feet with a minimum depth of 3 feet measured from grade.
- (ii) Lawn, groundcover, and shrubs shall have a minimum soil depth of 18 inches measured from grade.

(7) [No change in text.]

(8) [No change in text.]

(9) [No change in text.]

- (r) Mid-Block Walkways, *Courts* and Walls

[No change in text.]

**§156.0313 Parking, Loading, Traffic and Transportation Demand Management Standards**

- (a) through (g) [No change in text.]

- (h) *Structured Parking* Facility Standards

[No change in text.]

(1) [No change in text.]

(2) [No change in text.]

(A) For projects located on sites less than 30,000 square feet, above grade parking does not require encapsulation;

(B) For projects located on sites 30,000 square feet or larger, 50 percent of the cumulative *building façades* directly abutting street frontages shall be encapsulated with habitable residential or non-residential uses.

(C) Roof-top parking shall be allowed when all parking spaces, not including drive aisles, are covered with a roof or trellis structure.

(D) through (E) [No change in text.]

(3) through (6) [No change in text.]

(i) through (k) [No change in text.]

(l) Vehicular Access

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

(3) No vehicular access curb may be located closer than 65 feet from the curb line of the closest intersection. Curb cuts on the same parcel must be separated by a minimum of 80 feet, with the exception of a curb cut to provide access to an off-street loading bay, which may be closer than 80 feet if the widths of both curb cuts are minimized to the extent possible. Curb cuts shall be located at an appropriate distance from curb cuts located on adjacent parcels in order to minimize conflicts and maximize on-street parking. On parcels of 5,000 square feet or less, the dimensions listed above shall be reduced in half.

(4) [No change in text.]

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

(o) *Transportation Demand Management (TDM)*

In order to reduce single-occupant vehicle trips into the Centre City Planned District, *applicants* shall demonstrate that proposed

commercial and *hotel* projects containing over 50,000 square feet of *GFA* achieve a minimum of 24 points by implementing *TDM* measures as contained in Table 0313-D.

TABLE 0313-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)	
Points	Measure
10	On-site shower facilities available to all tenants/employees of a building
10	On site day-care
10	Provision of, and preferential parking for, "shared use vehicles" for use by property tenants
6	Provision for upgraded transit stop adjacent to new <i>development</i> , including shelter, seating, lighting and ongoing maintenance.
4	Participation by building management and tenants in carpool coordination, ridesharing and car-sharing programs.
4	Preferential parking for car-sharing vehicles (at least one space)
4	Preferential carpool and/or vanpool parking (two percent (2%) of permitted off-street maximum)
2	Proximity to public transit stop/station (1,320 feet or fewer)
2	On-site transit-pass sale, maps and information.

**§156.0314 Sign Regulations**

(a) Application

[No change in text.]

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

(3) *Logos*

*Logos* may not be used on the upper *tower* of a building where more than 50% of the building is in residential uses. *Logos* may be used on the upper *tower* of a non-residential building if the following criteria are met:

(A) through (E) [No change in text.]

Table 0314-A [No change in text.]

(4) **Ballpark Mixed-Use District Signage**

All *development* proposals within the area bounded by J Street, Seventh and Tenth Avenues, Park Boulevard and Harbor Drive (including the ballpark, Park at the Park and mixed use *developments* surrounding the park) shall include a comprehensive *sign* plan. All other *signs* within the Ballpark Mixed-Use District shall comply with the requirements of the Land Development Code Chapter 14, Article 2 Division 12 (*Sign Regulations*). *Signs* which do not meet these criteria may be proposed under a comprehensive *sign* plan. All comprehensive *sign* plans, with the exception of those plans for the ballpark, Park at the Park and mixed use *developments* directly adjacent thereto, within the Ballpark Mixed-Use District, shall be reviewed for consistency with the following objectives:

(A) through (D) [No change in text.]

**§156.0315 Separately Regulated Uses**

(a) [No change in text.]

(b) *Living Units*

[No change in text.]

(1) Each *living unit* must have at least 150 square feet of net *floor* area.

The average size of all *living units* may not exceed 300 square feet.

When a *living unit* exceeds 400 square feet in area, existing

underlying zone density and parking standards for a one *bedroom* apartment unit apply.

(2) through (12) [No change in text.]

(c) [No change in text.]

(d) Social Services/Homeless Facilities

Any application for a conditional use permit for *Social Service Institutions* or *Homeless Facilities* may request a modification to the standard *development* regulations found in sections 141.0417 and 141.0412, respectively. Any such request may be granted by the approval body if at least one of the following findings is met:

- (1) The proposed institution/facility is relocating from another location within the Centre City Planned District and the previous site vacates any existing Conditional Use Permit or *Previously Conforming Use* rights.
- (2) The institution/facility, due to its unique operations or uses, will not adversely impact the surrounding neighborhood and there is a demonstrated need for the institution/facility that is not being met by existing services/facilities in the Downtown Community Plan area.

Section 2: That Chapter 15, Article 6, Division 3, Section 156.0315 of the San Diego Municipal Code is amended by substituting new Figure B, attached hereto, in place of their prior versions.



Section 3. 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 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shirley R. Edwards for  
Shirley R. Edwards  
Chief Deputy City Attorney

HC:SRE:cfq:pev  
07/23/07  
08/03/07 REV1  
01/18/08 COR.COPY  
02/25/08 COR.COPY 2  
Or.Dept:CCDC  
O-2008-9  
MMS# 5116

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

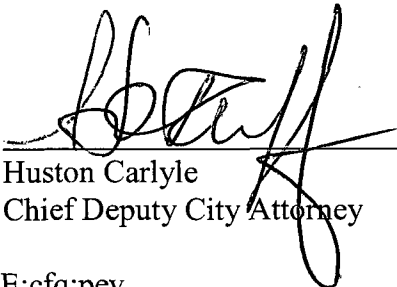
Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Huston Carlyle  
Chief Deputy City Attorney


HC:SRE:cfq:pev  
07/23/07  
08/03/07 REV1  
Or.Dept:CCDC  
O-2008-9  
MMS# 5116

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 04 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9.7-07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

During the meeting of June 19, 2009, regarding the 11<sup>th</sup> Amendment to the Redevelopment Plan, with Shannon Thomas, Nina Fain, Gilbert Sanchez in attendance, and due to non-substantive changes from Ordinance O-19664 -Revision 1 (O-2008-9) and Corrected Copy 2 (O-2008-9) and per the Attorney's Office, Shannon Thomas; the Ordinance O-19664 can be put on file with the original Mayoral signature dated September 7, 2007.



Peggy Rogers, Council Actions Analyst

