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ORDINANCE NUMBER O- 19947 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 13 2010

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER 10, ARTICLE 3, DIVISION 19.3 BY REPEALING FIGURES 4 AND 5; AMENDING CHAPTER 10, ARTICLE 3, DIVISION 19.4 BY REPEALING FIGURES 6, 7, 8 AND 9; AMENDING CHAPTER 10, ARTICLE 3, DIVISION 19.6 BY REPEALING FIGURES A AND C; AMENDING CHAPTER 10, ARTICLE 3, DIVISION 19.7 BY REPEALING FIGURES D, E AND F; AMENDING CHAPTER 10, ARTICLE 3, DIVISION 19.8 BY REPEALING SECTION 103.1959, FIGURE 1, AND FIGURE B; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING AND RENUMBERING CURRENT SECTION 156.0304 TO NEW SECTION 156.0302; BY AMENDING AND RENUMBERING CURRENT SECTION 156.0302 TO NEW SECTION 156.0303; BY AMENDING AND RENUMBERING CURRENT SECTION 156.0303 TO NEW SECTION 156.0304; AND BY AMENDING SECTIONS 156.0305, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0312, 156.0313, 156.0314, AND 156.0315, ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT.

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

WHEREAS, the Centre City Planned District Ordinance was initially adopted by the Council of the City of San Diego on May 11, 1992 by Ordinance Number O-17764 and was amended by Ordinance Number O-18147 on January 9, 1995, Ordinance Number O-18480 on April 17, 1998, Ordinance Number O-18524 on June 8, 1998, Ordinance Number O-18999 on November 5, 2001, Ordinance Number O-19056 on May 7, 2002, Ordinance Number O-19338 on November 29, 2004, and Ordinance Number O-19471 on April 3, 2006; and

WHEREAS, the Centre City Development Corporation [CCDC], as the agent for the Redevelopment Agency of the City of San Diego within the downtown area, has proposed

amendments to the Centre City Planned District Ordinance to implement the Downtown Community Plan; and

WHEREAS, the proposed amendments to the Centre City Planned District Ordinance have been reviewed and considered by the CCDC Board and the Centre City Advisory Council; 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 Centre City Planned District Ordinance; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendments to the Centre City Planned District Ordinance consistent with the Downtown Community Plan and recommended the proposed amendments for approval; and

WHEREAS, this matter was set for public hearing on APR 27 2010; NOW, THEREFORE,

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

Section 1. That Chapter 10, Article 3, Division 19.3 of the San Diego Municipal Code, titled "Centre City Planned District," is amended by repealing Figure 4, titled "Floor Area Ratios," and Figure 5, titled "Residential Incentive Area."

Section 2. That Chapter 10, Article 3, Division 19.4 of the San Diego Municipal Code, titled "Centre City Planned District," is amended by repealing Figure 6, titled "Street Level Incentive Area," Figure 7, titled "View Corridor Stepbacks," Figure 8, titled "Waterfront District," and Figure 9, titled "Sun Access Criteria."

Section 3. That Chapter 10, Article 3, Division 19.6 of the San Diego Municipal Code, titled “Centre City Planned District,” is amended by repealing Figure A, titled “Bulk Criteria for Buildings Less Than 125 feet in Height,” and Figure C, titled “Upper Tower Articulation.”

Section 4. That Chapter 10, Article 3, Division 19.7 of the San Diego Municipal Code, titled “Centre City Planned District,” is amended by repealing Figure D, titled “Street Level Development,” Figure E, titled “Transition/Sun Access Envelope,” and Figure F, titled “Transition/Sun Access Envelope.”

Section 5. That Chapter 10, Article 3, Division 19.8 of the San Diego Municipal Code, titled “Centre City Planned District,” is amended by repealing section 103.1959, Figure 1, titled “Centre City Parking Ordinance Boundary,” and Figure B, titled “Bulk Criteria for Buildings 125 Feet and Greater in Height.”

Section 6. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending and renumbering current section 156.0304 to new section 156.0302, current section 156.0302 to new section 156.0303, and current section 156.0303 to new section 156.0304, to read as follows:

**§156.0302 Definitions**

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

*Active commercial uses* mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* 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 floor area ratio (Base FAR)* means the minimum and maximum *development* potential permitted for a site, which is expressed as a ratio of the amount of *gross floor area* to the size of the parcel. The minimum *base FAR* is the minimum *floor area* which must be built on a site in a new *development*. Maximum *base FAR* is the maximum *floor area* permitted to be built without bonuses or transfers.

*Bed and breakfast* means a visitor-serving establishment with up to twenty rooms for overnight stays that serves breakfast every morning.

*Blank wall* means any *street wall* area that is not transparent, including solid doors and mechanical area wall(s).

*Bona-fide eating establishment* means a place that is primarily used for serving individually prepared meals to guests for compensation. A *bona-fide eating establishment* contains suitable *kitchen* facilities on the *premises* and adequate seating for patrons.

*Bonus floor area ratio (Bonus FAR)* means the additional *floor area ratio* that may be earned by meeting certain requirements listed in section 156.0309(e).

*Building base* [No change in text.]

*Building materials* mean all materials visible from the exterior of a *development*, including materials used for walls, roofs, windows, doors, and architectural or decorative features applied to the *building façade*.

*CCAC* means the Centre City Advisory Committee, the official community planning group for the Centre City Planned District.

*CCDC* means the Centre City Development Corporation.

*CCDC Board* means the Board of Directors of the Centre City Development Corporation.

*CCDC President* means the President of the Centre City Development Corporation or the President's designees.

*Certificate of transfer* means a document prepared in a form acceptable to *CCDC* and the City Attorney that is recorded to certify the *transfer of development rights* between sites.

*Commercial streets* mean certain *streets* in the Centre City Planned District that are subject to a land use overlay as illustrated in Figure D of this Division.

*Common indoor open space* means a usable indoor area commonly accessible to all residents and users of the building for passive or active recreation.

*Common outdoor open space* means usable outdoor area commonly accessible to all residents and users of the building for passive or active recreation.

*Covenants, Conditions, and Restrictions (CC&Rs)* mean recorded documents specifying rights and restrictions on a site.

*Courtyard* means an open space unobstructed to the sky, located at or above-grade level and bounded on two or more sides by building walls.

*Cultural institution* or *cultural use* means a non-profit institution recognized as a 501(c), displaying or preserving objects of interest in the arts or sciences. *Cultural uses* include libraries, museums, non-profit art galleries, and interpretive centers.

*Design Review* means the formal review of a proposed *development* through the established process relevant to the size and nature of the proposed *development*.

*Disposition and Development Agreement (DDA)* means an agreement between the *Redevelopment Agency* and a developer in which the *Redevelopment Agency* conveys property to said developer to implement the *Redevelopment Plan* pursuant to a specified scope of *development*.

*Employment uses* mean those non-residential uses which provide employment opportunities and include those uses specifically designated in Table 156-0308A.

*Eco-roof* means an open space area on top of a building roof that is landscaped and maintained according to the requirements of section 156.0309(e)(4).

*Floor area ratio bonus (FAR bonus)*. [No change in text.]

*Floor plate* means the amount of *gross floor area* located on a single *floor* in the *tower* of a building.

*Group living* means residential or institutional uses licensed by the State of California that provide supportive residential facilities to specified sections of the population.

*Home occupations* have the same meaning as in Land Development Code section 141.0308.

*Living unit* [No change in text.]

*Living unit development* means a *development* containing more than twelve *living units*.

*Logo* [No change in text.]

*Main streets* mean certain *streets* in the Centre City Planned District that are subject to a land use overlay as illustrated in Figure D of this Division.

*Mass and scale* [No change in text.]

*Mid-zone* means the portion of a building above the *building base* and below the *tower*.

*Mixed-use development* means *development* that includes two or more land uses.

*Outfield Park* has the same meaning as in San Diego Municipal Code section 59.0102.

*Owner Participation Agreement (OPA)* means an agreement between the *Redevelopment Agency* and a property owner specifying terms of a redevelopment action as it affects the owner's property.

*Pedestrian entrance* [No change in text.]

*PETCO Park* has the same meaning as in San Diego Municipal Code section 59.0102.

*Private open space* means an area connected or immediately adjacent to a *dwelling unit*. *Private open space* may include a balcony, porch, ground or above-grade patio or *roof deck* used exclusively by the occupants of the *dwelling unit* and their guests.

*Pushcart* [No change in text.]

*Redevelopment Agency* means the *Redevelopment Agency* of the City of San Diego that exercises governmental functions prescribed by the Community Redevelopment Law of the California Health and Safety Code pursuant to Resolution No. 147378.

*Redevelopment Plan* means the plan for the Centre City Redevelopment Project, which was adopted on May 11, 1992, by the City Council pursuant to Ordinance No. O-17767, and any subsequent amendments thereto.

*Receiving site through Residential care facilities* [No change in text.]



*Screen or screening* means partial or full enclosure of a space or area by solid materials that are compatible with the materials and architectural design of the *development* in order to block views of the area from nearby *development* or *public rights-of-way*.

*Sending site* refers to a site where *gross floor area* is transferred to a *receiving site* in accordance with the *TDR* procedures in section 156.0309(g).

*Senior housing* or *senior unit* means a housing *development* as defined in State of California Civil Code section 51.3.

*Setback* is the horizontal distance between the *property line* and the nearest front, side, or rear building wall.

*Shopkeeper unit* means a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.

*Stepback* [No change in text.]

*Street wall* means the *building façade* along a *property line* adjacent to any public *street*. The *street wall* may include arcades, colonnades, recessed entrances, *private open space*, or *urban open space*.

*Structured parking* means all parking facilities that serve a primary use or that are open to the general public.

*Tenant improvements* mean interior or minor exterior improvements to an existing building. *Tenant improvements* may include finishing or remodeling of interior

space to accommodate a new tenant or occupant, the installation of ancillary mechanical equipment, or the installation of replacement doors or windows to serve a specified use.

*Tower* means that portion of a building located above the *building base* or the *mid-zone*, if applicable, to the top of the building.

*Transfer of development rights (TDR)* means the program whereby *gross floor area* may be transferred between sites for the purpose of establishing *public parks* or preserving *designated historical resources*.

*Transitional housing* has the same meaning as in Land Development Code section 141.0313.

*Transportation demand management (TDM)* means a series of measures that encourage use of alternative forms of transportation to alleviate traffic demand on area roadways.

*Upper tower* means the upper 20 percent of a *tower*, measured above the *building base* or *mid-zone* to the top of the building, including mechanical *penthouses*.

*Urban open space* means any usable space accessible to the general public which is 1,000 square feet or greater in size and includes plazas or parks.

**§156.0303 Centre City Land Development Manual**

- (a) CCDC may establish and adopt application submittal requirements, review procedures, and guidelines to implement this Article.

These implementation documents shall be known collectively as the Centre City Land Development Manual (*CCDC Land Development Manual*).

- (b) The *CCDC Land Development Manual* may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The *CCDC Land Development Manual* may be amended in one of the following ways:
- (1) Minor amendments shall be approved by the *CCDC President* after considering public comments according to the process established in the *CCDC Land Development Manual*. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques.
  - (2) Major amendments to the *CCDC Land Development Manual* shall be approved in accordance with Process Five. Major amendments include the creation or elimination of a chapter or chapters or other changes that do not qualify as minor amendments as provided in section 156.0302(b)(1).
- (c) A copy of the *CCDC Land Development Manual* shall be on file in the *CCDC* offices.
- (d) The *CCDC Land Development Manual* includes, but is not limited to, the:

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

**§156.0304 Administration and Permits**

(a) Administration

*CCDC* is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District. The *CCDC President* shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Community Plan, *CCDC* Land Development Manual, Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego or *Redevelopment Agency* to implement the Downtown Community Plan. The City Manager shall administer the issuance of Zoning Use Certificates (ZUCs) in compliance with the land use classifications permitted in Table 156-0308A of this Division.

(b) Permit Required

The following permits are subject to the *development* review and permit procedures in this Article: Centre City Development Permits, Neighborhood Use Permits, Conditional Use Permits, Coastal Development Permits, Site Development Permits, Planned Development Permits, and Variances.

(1) Centre City Development Permit

A Centre City Development Permit shall be required for construction with 1,000 square feet or more of *gross floor area* not within an existing *structure*. Construction with less than 1,000 square feet of *gross floor area*, or within an existing *structure*, shall obtain all required building permits from the City of San Diego and comply with the provisions of this Article.

(2) A permit is not required for modifications, repairs, or other alterations that do not require any permit issued by the City of San Diego.

(3) *Tenant improvements* exceeding \$250,000 in value shall install *public improvements* consistent with the Centre City Streetscape Manual.

(c) Overview of Decision Process

Applications for *development* within the Centre City Planned District shall be decided in accordance with one of the five decision processes described below. The type of *development* proposed in the application determines the applicable process.

(1) Process One

An application for a permit or approval processed in accordance with Process One may be approved or denied by the *CCDC President* based upon criteria outlined in this Article, the Downtown Community Plan, *CCDC Land Development Manual*, Centre City Streetscape Manual, and any requirements of the City of San Diego or *Redevelopment Agency* to implement the Downtown Community Plan. A public hearing will not be held.

(2) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the *CCDC President* in accordance with section 112.0503 of the Land Development Code. An *applicant* or any person who has filed an application for appeal may appeal Process Two decisions in accordance with section 112.0504 of the Land Development Code, but Process Two appeals shall be considered by the *CCDC Board* in lieu of the Planning Commission.

(3) Process Three

An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by the *CCDC Hearing Officer* in accordance with section

112.0505 of the Land Development Code. *Applicants or interested persons* may appeal Process Three decisions in accordance with section 112.0506 of the Land Development Code, but Process Three appeals shall be considered by the *CCDC Board* in lieu of the Planning Commission.

(4) Process Four

An application for permit or approval processed in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission in accordance with section 112.0507 of the Land Development Code. *Applicants or interested persons* may appeal Process Four decisions in accordance with section 112.0508 of the Land Development Code.

(5) Process Five

An application for permit or approval processed in accordance with Process Five may be approved, conditionally approved, or denied by the City Council in accordance with section 112.0509 of the Land Development Code.

(d) Existing *Development* Approvals

*Development permits* approved prior to           **JUN 05 2010**          

shall remain valid under the approved permit terms and conditions unless

the approved permits expire pursuant to section 126.0108 of the Land Development Code.

Where a *DDA* or *OPA* has been executed with the *Redevelopment Agency* prior to JUN 0 5 2010, *development permits* may be reviewed and issued according to the regulations and laws in effect at the time of *Redevelopment Agency* approval of the *DDA* or *OPA* and shall be subject to the terms of such agreements as long as they are in effect.

*Development permits* issued prior to JUN 0 5 2010 may be amended by submitting an application under the provisions of this Article. Any *applicant* may request a deviation from the *development* standards and design guidelines in this Article, which may be granted if the *CCDC President* finds that the *development* design complies with the regulations and laws in effect at the time of the approval, and either (1) the deviation is consistent with the intent of this Article; or (2) construction has already commenced under a valid building permit. Any approvals of deviations shall be through the *development* review process.

*Development permit* applications which have been determined complete by *CCDC*, or for which serious negotiations have commenced for a *DDA* or *OPA*, as indicated by execution of an Exclusive Negotiating Agreement (*ENA*), shall be processed and entitled pursuant to the regulations and laws in effect on the determined complete or *ENA* execution date.



(e) Centre City Development Permit Process

(1) Review Procedures. Centre City Development Permits shall be subject to the following rules:

(A) Administrative Review. Upon receipt of a complete Centre City Development Permit application, the *CCDC President* shall conduct an administrative review of the *development* in accordance with Process One. The decision of the *CCDC President* is final. If the *development* requires *Design Review* under section 156.0304, then the *CCDC President* shall not issue the permit until the *development* has received final *Design Review* approval.

(B) *Design Review*. The *CCDC Board* shall serve as the *Design Review* board for all *development* within the Centre City Planned District, subject to the following thresholds:

(i) *Development* with fewer than 100,000 square feet of *gross floor area* and fewer than 50 *dwelling units* shall be reviewed and approved by the *CCDC President* in accordance with Process One.

(ii) *Development* with at least 100,000 square feet of *gross floor area* or at least 50 *dwelling units* shall be reviewed and approved by the *CCDC Board*.

The *CCAC*, or other recognized community planning group, shall also review the *development* and make a recommendation to the *CCDC Board*.

(iii) *Development* requiring *Redevelopment Agency* review and approval for any form of agreement or financial assistance shall also be reviewed and approved by the *Redevelopment Agency*, which shall have the final *Design Review* approval authority for such *development*.

(iv) The *CCDC Board* and *CCAC*, or other recognized community planning group, may establish advisory committees to make recommendations for consideration in the *Design Review* process.

(C) Public Notice. Public notice shall be provided before a decision is made on an application for a permit in the Centre City Planned District in accordance with the following procedures:

(i) *Applicants* for *development* proposals requiring a Centre City Development Permit shall post a notice on the site in accordance with section 112.0304 of the Land Development Code.

- (ii) *Development* proposals requiring *Design Review* approval by the *CCDC Board* or the *Redevelopment Agency* shall be noticed in accordance with section 112.0302 of the Land Development Code. A Notice of Application shall be mailed to the persons entitled to notice listed in section 112.0302(b). Further notice shall also be provided to all persons requesting notice of review meetings or decisions.
  - (iii) *Development* proposals requiring a Process Two, Three, Four, or Five approval shall be noticed in accordance with section 112.0302 of the Land Development Code.
- (D) Required *Findings*. A Centre City Development Permit may be granted if the decision-maker finds that the *development*, as submitted or modified, is consistent with the Downtown Community Plan, Centre City *Redevelopment Plan*, Centre City Planned District Ordinance, *CCDC Land Development Manual*, San Diego Municipal Code, and all other adopted plans or policies of the City of San Diego or *Redevelopment Agency* pertaining to the Centre City Planned District.

- (E) Permit Issuance. If the *CCDC President* approves a Centre City Development Permit, the application shall be referred to the Development Services Department for any other action as necessary. Denial of any Centre City Development Permit requires the *CCDC President* to issue written findings of non-conformance with the provisions of this Article, the Downtown Community Plan, Centre City *Redevelopment Plan*, or other applicable plans, policies, or guidelines adopted to implement the Community Plan.
- (F) Permit Time Limits. Centre City Development Permits are effective for three years from the date of approval. If a building permit has not been obtained within the three years, the *applicant* may apply for an extension in accordance with section 126.0219 of the Land Development Code.

(2) *Development* Review Progression

The preparation, submittal, and review of *development* proposals in the Centre City Planned District shall proceed as follows:

- (A) Basic Concept Drawings. This submittal shall illustrate the basic organization of the site and shall identify *historical resources* on the site and any adjoining *historical resources*. Plans shall be reviewed for two- and three-

dimensional considerations such as the relationship of land uses within the *development*, relationship of the *development* to proposed and existing land uses adjoining the site, including *historical resources*, siting considerations such as vehicular and pedestrian circulation, provision for *urban open space*, architectural composition, quality of proposed materials, and three-dimensional images of the *development*. A narrative explanation of the design concept shall be provided. These drawings shall be the basis for obtaining a Centre City Development Permit and *Design Review* approval under this Division. A three-dimensional building massing computer file (compatible with *CCDC*'s computer modeling software) shall also be provided.

- (B) Design Development Drawings. This submittal shall be a refinement of, and resolve issues identified at, the Basic Concept Drawings stage. Drawings shall include accurate site surveys, floor plans, elevations, sections, design details, and a palette of exterior colors and materials. Additional submittal requirements, such as pedestrian and vehicular circulation, landscape plans, provision for servicing, off-site improvement drawings, utility infrastructure, exterior

architectural features, or urban design features, shall also be provided upon request by the *CCDC President*.

(C ) 100 Percent Construction Drawings. These represent the final plans, specifications, and other documentation as appropriate for the proposed *development*. These drawings shall illustrate how the conditions for approval of the previous submissions have been met. These drawings shall be in sufficient detail to obtain a building permit.

(f) Environmental Impact Report Mitigation Measures.

All *development* in the Centre City Planned District shall comply with and incorporate the *historical resources* mitigation measures listed in the Mitigation, Monitoring, and Reporting Program listed as Appendix A in the Downtown Community Plan.

Section 7. That Chapter 15, Article 6, Division 3, of the San Diego Municipal Code is amended by amending sections 156.0305, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0312, 156.0313, 156.0314, and 156.0315 to read as follows:

**§156.0305 Rules of Calculation and Measurement**

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of the Municipal Code shall apply to the Centre City Planned District. *Gross floor area* shall be calculated in accordance with section 113.0234 of the Land Development Code, with the following modifications:

- (a) Underground parking *structures* count as *gross floor area* where, at any point, the vertical distance from final proposed *grade* to the finished *floor* elevation immediately above is more than 3 feet, 6 inches.
- (b) Phantom *floors*, as defined in section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.
- (c) *Roof decks* shall not be counted as *gross floor area* pursuant to section 113.0234(b)(5) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
- (d) Notwithstanding section 113.0234(d)(2), interior modifications involving the addition of actual *floor area* count as *gross floor area* except where:
  - (1) The addition is within the *structural envelope* of a building for which building permits were issued prior to JUN 05 2010; or
  - (2) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-third of the *floor area* immediately below.
- (e) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

**§156.0306 Other Applicable Planning, Zoning, and Development Regulations**

When not otherwise specified in this Article, the following chapters of the Land Development Code apply. In case of conflict with any other provisions of the San Diego Municipal Code, the regulations of this Article shall apply. The Downtown Community Plan, Marina Planned District Ordinance, and this Article constitute the *Local Coastal Program* for the Centre City Community Plan Area.

- Chapter 11 Land Development Procedures
- Chapter 12 Land Development Reviews
- Chapter 13 Zones
- Chapter 14 General Regulations
- Chapter 14 Article 1, Division 1, General Rules for Separately Regulated Uses
- Chapter 14 Article 2, Division 1, Grading Regulations
- Chapter 14 Article 2, Division 2, Drainage Regulations
- Chapter 14 Article 2, Division 3, Fence Regulations
- Chapter 14 Article 2, Division 4, Landscape Regulations
- Chapter 14 Article 2, Division 5, Parking Regulations
- Chapter 14 Article 2, Division 6, Public Facility Regulations
- Chapter 14 Article 2, Division 7, Off-site Development Regulations
- Chapter 14 Article 2, Division 8, Refuse and Recyclable Materials Storage Regulations
- Chapter 14 Article 2, Division 9, Mechanical and Utility Equipment Screening
- Chapter 14 Article 2, Division 10, Loading Area Regulations



- Chapter 14 Article 2, Division 11, Outdoor Storage Display, and Activity Regulations
- Chapter 14 Article 2, Division 12, Sign Regulations
- Chapter 14 Article 3, Supplemental Development Regulations
- Chapter 14 Article 4, Subdivision Regulations
- Chapter 14 Article 5, Building Regulations
- Chapter 14 Article 6, Electrical Regulations
- Chapter 14 Article 7, Plumbing Regulations
- Chapter 15 Article 1, Planned Districts

**§156.0307 Land Use Districts**

Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the ground-floor along *street frontages* are provided.

(a) Base Districts

The purpose of each base district is as follows:

- (1) Core (C). This district serves as a high-intensity office and employment center. The district operates as a center of regional importance and as a primary hub for businesses, communications,

offices, and *hotels* with fewer restrictions on building bulk and tower separation than in other districts. *Mixed-use development* shall be accommodated as an important component of the area's vitality. Retail, educational, entertainment, residential, civic, governmental, and *cultural uses* are permitted. Within the C District a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.

- (2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the *ground floor*.

A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*. Within the NC District, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*. A minimum of 80 percent of the *ground-floor street frontage* along *main streets* shall contain *active commercial uses*.

- (3) Employment/Residential Mixed-Use (ER). This district provides synergies between educational institutions and residential neighborhoods, or transition between the C District and residential neighborhoods. The ER district also encompasses Horton Plaza. A variety of uses are permitted in this district, including office, residential, *hotel*, research and development, educational, and medical facilities.
- (4) Ballpark Mixed-Use (BP). This district accommodates *mixed-use developments* that support major sporting facilities and visitor attractions. A broad array of other uses are also permitted, including eating and drinking establishments, *hotels*, offices, research and development facilities, *cultural institutions*, residential uses, live/work spaces, and parking facilities. Within the BP District, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*. Within the WM District, a minimum of 20 percent and a maximum of 50 percent of the *ground-floor street frontage* shall contain *active commercial uses*.

- (6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist 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 MC 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, services, and *ground-floor active commercial uses* are allowed, subject to size and area limitations. Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. *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 *gross floor area*.
- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities. Within the I District, no

more than 20 percent of the *ground-floor street frontage* may be *active commercial uses*.

- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities. Within the T District, no more than 20 percent of the *ground-floor street frontage* may be *active commercial uses*.
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor uses. Within the CC District, a minimum of 20 percent and a maximum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (11) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.

(12) [No change in text.]

(b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

- (1) Airport Environs Overlay Zone (AEOZ). This overlay district provides supplemental regulations for the property surrounding San Diego International Airport (SDIA) at Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP) adopted by the San Diego County Regional Airport Authority. The compatibility of specific land uses with the operations of SDIA is regulated pursuant to Chapter 13, Article 2 of the Land Development Code. Within the Centre City Planned District, the most recently adopted ALUCP shall determine land use compatibility.
- (2) Airport Approach Overlay Zone (AAOZ). This overlay district provides supplemental regulations for the properties surrounding the approach path for San Diego International Airport (SDIA) at Lindbergh Field, consistent with the Airport Land Use Compatibility Plan (ALUCP) most recently adopted by the San Diego County Regional Airport Authority. The heights of buildings in this overlay zone are regulated by Chapter 13, Article 2 of the Land Development Code. *Applicants for development proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA) Obstruction Evaluation shall submit a Determination of No Hazard to Air Navigation to the CCDC President and the City Manager prior to issuance of a building permit.*

- (3) Coastal Zone Overlay (CZ). This overlay district applies to lands near San Diego Bay in order to protect and enhance the quality of public access and coastal resources. *Development* within this overlay District requires a Process Two Coastal Development Permit in accordance with Chapter 12, Article 6, Division 7 of the Land Development Code.
- (4) Commercial Street Overlay (CS). On *commercial streets*, 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*. Uses appropriate for *commercial streets* are identified in Table 156-0308A, under Main Street/Commercial Street overlays.
- (5) County Administration Center Design Zone Overlay (CAC). This overlay district ensures that new *development* surrounding the historic County Administration Center on Pacific Highway is sympathetic in scale, character, and height to this important landmark. New *development* shall conform to the Design Guidelines for the Pacific Highway–County Administration Center Design Zone on file in the *CCDC* offices.

- (6) Employment Required Overlay (E). To ensure adequate opportunities for employment based commercial uses, at least 50 percent of the *gross floor area* within each *development* in this overlay district shall be dedicated to *employment uses* such as professional office, education, *cultural uses*, retail, *hotel*, or similar commercial uses. Residential uses in this district shall not exceed 50 percent of the *gross floor area*, counted against the *base FAR* as illustrated in Figure H, within any *development*. *Development* approved through an *OPA* or *DDA* may phase *development* build-out, allowing non-employment phases to precede employment phases, subject to strict performance standards established by set timeframes for *employment use* construction plan completion, plan submittal, and other requirements to ensure timely completion. In order to meet the 50 percent *employment use* requirement, a *development* may not include any employment area for which building permits have been obtained and construction commenced before JUN 05 2010. In the E District, existing *floor area* dedicated to *employment use* or similar commercial use shall not be converted to any non-*employment use*.
- (7) Fine Grain Development Overlay (FG). The FG District requires that *development* incorporate design standards that exhibit architectural form and variety at a less than full block scale to ensure a pedestrian scale and diverse building designs.



- (8) Large Floorplate Overlay (LF). The LF District allows larger *floor plates* and bulkier buildings at upper levels to accommodate *employment uses*. The *development* regulations within this overlay district accommodate these larger *floor plates*.
- (9) Little Italy Sun Access Overlay (LISA). The LISA District maintains adequate sunlight and air to sidewalks and residential areas of Little Italy, as designated in Figure F, during the winter solstice (on or about December 21) between 10:30 a.m. and 1:30 p.m. The LISA Overlay establishes a *building envelope*, as illustrated in Figure N, which applies to the whole block.
- (10) Main Street Overlay (MS). On designated *main streets*, 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 156-0308A, under Main Street/Commercial Street overlays.
- (11) Park/Open Space Overlay (P). This overlay district identifies locations of future park sites designated in the Downtown Community Plan.
- (12) Park Sun Access Overlay (PSA). This overlay district ensures adequate sunlight to future park sites designated in the Downtown Community Plan by controlling the height of new *development* to the south and west as illustrated in Figure M.

**§156.0308 Base District Use Regulations**

(a) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or the Land Development Code.

(b) *Previously Conforming* Land Uses

Land uses that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exception that the *gross floor area* of *previously conforming* uses may be expanded up to 100 percent through a Neighborhood Use Permit.

**Table 156-0308A: 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 <sup>1</sup>	C	NC	ER	BP	WM <sup>9</sup>	MC	RE	I <sup>9</sup>	T <sup>9</sup>	PC	OS	CC <sup>9</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment 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	--	--		
<i>Multiple Dwelling Units</i>	P	P	P	P	--	P	P	--	--	P	--	--		
<i>Shopkeeper Units</i>	P	P	P	P	--	P	P <sup>3</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>Senior Housing</i>	C	C	C	C	--	C	C	--	--	C	--	--	§141.0310 §156.0309(e)(1)	
<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	--	--	§141.0312	
<i>Transitional Housing</i>	C	C	C	C	--	C	C	--	--	C	--	--	§141.0313	
<b>Institutional</b>														
<b>Separately Regulated Institutional Uses</b>														
<i>Churches &amp; Places of Religious Assembly</i>	P	P	P	P	--	P	--	--	--	P	--	--		CS
<b>Communication Antennas</b>														
<i>Minor Telecommunication Facility</i>	L	L	L	L	L	L	N	L	L	L	C	L	§141.0420	
<i>Major Telecommunication Facility</i>	C	C	C	C	C	C	C	C	C	C	C	C	§141.0420	

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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 <sup>1</sup>	C	NC	ER	BP	WM <sup>9</sup>	MC	RE	I <sup>9</sup>	T <sup>9</sup>	PC	OS	CC <sup>9</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
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>10</sup>	P		CS, 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	CS
Exhibit Halls & Convention Facilities	--	--	--	--	--	C	--	C	C	C	--	P		E
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(d)	
Homeless Facilities <sup>8</sup>	C	--	C	C	--	C	--	--	--	C	--	--	§141.0412 §156.0315(e)	
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	--	P		CS, 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(e)	
<b>Retail Sales</b>	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307(a), (b) & Figure C	MS, CS, E
<b>Commercial Services</b>														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P <sup>10</sup>	P		CS, E
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N <sup>10</sup>	N		
Building Services	P	P	P	P	P	P	--	--	--	P	--	--		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

<b>Table 156-0308A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>														
<b>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 <sup>1</sup>	C	NC	ER	BP	WM <sup>9</sup>	MC	RE	I <sup>9</sup>	T <sup>9</sup>	PC	OS	CC <sup>9</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
<i>Bona Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315(a)	MS,CS,E
<i>Non-Bona Fide Eating Establishments w/Alcohol</i>	C	C	C	C	C	C	--	--	--	C	--	C	§156.0315(a)	MS,CS,E
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	P	N		MS,CS,E
With Live Entertainment & Dancing	C	C	C	C	C	C	--	--	--	C	--	C	§156.0315(a)	MS,CS,E
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P		MS,CS,E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--		CS
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P		CS, E
Office-Site Services	P	P	P	P	P	P	--	P	--	--	--	P		
Personal Services	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Visitor Accommodations														
<i>Hotels and Motels</i>	P	P <sup>5</sup>	P	P	P	P	--	--	--	P	--	P		CS, E
<b>Separately Regulated Commercial Services Uses</b>														
Animal Hospitals & Boarding Kennels	C	--	C	C	--	C	--	--	--	--	--	--	§141.0604(b)(1) § 141.0625	CS
<i>Bed &amp; Breakfast Establishments</i>	P	P	P	P	--	P	P	--	--	P	--	--		CS
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS,E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		MS,C
Parking Facilities (structure or surface)	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	MS <sup>4</sup> ,CS <sup>4</sup>
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P		
<i>Pushcarts</i>	L/ N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	§141.0619	

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Use Categories/ Subcategories <sup>1</sup>	C	NC	ER	BP	WM <sup>9</sup>	MC	RE	I <sup>9</sup>	T <sup>9</sup>	PC	OS	CC <sup>9</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
<i>Recycling Facilities</i>														
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	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(f)	
Sidewalk Cafes	N	N	N	N	N	N	N	--	--	N	N	N	§141.0621	
<i>SRO Hotels</i>	P	P <sup>5</sup>	P	P	--	P	P	--	--	--	--	--	§143.0510- §143.0590	
<b>Offices</b>	P	P	P	P	P	P	P	--	--	P	--	P		
<b>Vehicle &amp; Vehicular Equipment Sales &amp; Services</b>														
Personal Vehicle Sales & Rentals	P	P	P	P	P	P	--	P	--	P	--	P		CS, E
All other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--		
<b>Separately Regulated Vehicle &amp; Vehicle Equipment &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>6</sup>	--	L <sup>6</sup>	L <sup>6</sup>	P	P	--	P	P	--	--	--		
Warehouse & Whole Distribution	L <sup>6</sup>	--	L <sup>6</sup>	L <sup>6</sup>	P	P	--	P	P	--	--	--		
<b>Separately Regulated Wholesale, Distribution &amp; Storage Use</b>														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
<b>Industrial</b>														
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--			

**Table 156-0308A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS**

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Use Categories/ Subcategories <sup>1</sup>	C	NC	ER	BP	WM <sup>9</sup>	MC	RE	I <sup>9</sup>	T <sup>9</sup>	PC	OS	CC <sup>9</sup>	Additional Regulations	Main Street/ Commercial Street/ Employment Required Overlays
<i>Light Manufacturing</i>	P	--	P	P	P	P	--	P	P	--	--	--		
<i>Marine Industry</i>	--	--	--	--	--	C	--	C	--	--	--	--		
<i>Research &amp; Development</i>	P	--	P	P	--	P	--	P	P	--	--	--		E
<i>Trucking and Transportation Terminals</i>	--	--	--	--	--	C	--	C	C	--	--	--		
<b>Signs</b>														
<i>Allowable Signs</i>	P	P	P	P	P	P	P	P	P	P	P	P	§142.1201 §142.1292 §156.1314	
<b>Separately Regulated Sign Uses</b>														
<i>Community Entry or Neighborhood Identification Signs</i>	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101, §141.1104	
<i>Relocation of Sign Area Allowance</i>	N	N	N	C	N	N	N	N	N	N	N	N	§141.1103	
<i>Revolving Project Signs</i>	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
<i>Automatic Changing Copy</i>	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
<i>Theater Marquees</i>	N	N	N	C	N	N	N	--	--	N	N	N	§141.1106	
<b>Other Use Requirements</b>														
<i>Temporary Uses</i>	Temporary Uses and <i>Structures</i> are regulated under section §123.0401 et seq.													

**Footnotes to Table 156-0308A**

- 1 Section 131.0112 of the Land Development Code describes the use categories and subcategories referenced in this table.
- 2 Not permitted on state or federal tidelands.
- 3 Commercial use *floor* area contributes to 20 percent commercial use allowance and is subject to locational limits of districts.
- 4 Limited to parking structures.
- 5 Up to 200 rooms permitted. Requires active ground-floor uses along *street frontages*.
- 6 Limited to 20 percent *gross floor area* above *grade*.
- 7 Uses designated with CS, MS, or E must meet minimum percentages specified in sections 156.0307(b)(4), (6), and (10).
- 8 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*.
- 9 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 Table is for planning purposes only. Lands owned by the United States are regulated by the federal government and may be subject to development agreement(s) executed with the City of San Diego. Lands owned by the County of San Diego are regulated by the County of San Diego and the California Coastal Commission, except for private *development* which is also subject to the Centre City Planned District Ordinance.
- 10 Enclosed spaces containing parking, assembly, entertainment, or *cultural institutions* shall be located underground.
- 11 Structured parking facilities incorporated into a *development* as an *accessory use* shall be permitted by right and do not require a Conditional Use Permit.

**TABLE 156-0308B: MINIMUM AND MAXIMUM PERMITTED ACTIVE COMMERCIAL USE<sup>1</sup>**

Land Use District or Land Use Overlay	Minimum Required Ground-Floor Street Frontage for Active Commercial Use	Maximum Permitted Ground-Floor Street Frontage for Active Commercial Use <sup>3</sup>
Parcels located in the Main Streets (MS) Overlay, in any Land Use District <sup>2</sup>	80 percent	100 percent
Parcels located in the Commercial Streets (CS) Overlay, in any Land Use District	60 percent	100 percent
Core (C)	40 percent	100 percent
Neighborhood Mixed-Use Center (NC)	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 (RE)	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

1 Any parcel of 10,000 square feet or fewer is exempt from the minimum and maximum set forth in this table except for those sites on *main streets* or *commercial streets* with a 50-foot *street frontage* or more, in which case, that frontage is required to provide 50 percent of the frontage in *active commercial uses*.

2 Along the west side of Park Boulevard, a minimum of 40 percent of the ground-floor *street frontage* shall contain *active commercial uses*.

3 The maximum permitted ground-floor *street frontage* shall not result in less than 20 feet of storefront.

**§156.0309 FAR Regulations and TDRs**(a) Base Minimum and Maximum *FARs*

The minimum and maximum *base FARs* for each site within the Centre City Planned District are illustrated in Figure H; these *FARs* set parameters for the general bulk and intensity of *development*. All *development* proposals must meet the minimum *FAR* specified in Figure H.



(b) Airport Approach Overlay Zone

Within the Little Italy and Cortez neighborhoods of the Downtown Community Plan, which lie within the approach path as shown in the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) at Lindbergh Field, adopted by the San Diego County Regional Airport Authority, new *development* may not intensify human occupancy of the site to greater than 110 percent of the average intensity of existing uses (exclusive of large assemblies) within a quarter mile radius of the *development* site. However, no increase in *density* is allowed within the runway protection zone. As an alternative to the above density criterion, a compatible land use within these neighborhoods may be limited to a maximum *FAR* of 2.0 and a maximum building height of 36 feet. Properties that are intersected by the airport approach/departure zone boundary shall be exempt from this density criterion.

(c) *Development Permit FAR*

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The developer may subdivide the property into individual ownerships, but the permitted *FAR* for any subdivided units remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*.

(d) Ballpark Mixed-Use District

Within the Ballpark Mixed-Use District, illustrated in Figure B, a *FAR* of 6.5 shall apply. To facilitate ancillary *development* near *PETCO Park* pursuant to Proposition C passed by the voters in 1998 and Ordinance No. O-18613 [New Series], transfers may be approved of any portion of the *floor* area permitted pursuant to this section from *PETCO Park* to any other property within the district, if: (1) the property to which the applicable *floor* area is transferred 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) appropriate *CC&Rs* are recorded to memorialize the reallocation of permitted *floor* areas. However, *development* permitted by a Centre City Development Permit after November 1999 shall not result in the cumulative average daily traffic (ADT) trips from such *developments* (excluding ADT trips from *PETCO Park*) exceeding 55,128 cumulative ADT trips, as calculated based on the *gross floor area* of the respective *development* and the Centre City Cumulative Trip Generation Rates, in the *CCDC Land Development Manual*. The district-wide *FAR* provisions and ADT limit shall not apply to the block bounded by Park Boulevard and J, K, and 13th Streets.

(e) *FAR Bonuses*

*Development* may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and

Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR Payment Bonus Program* (exclusive of bonuses for affordable or *senior housing* as described in section 156.0309(e)(1)).

*Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in section 156.0309(e)(1).

The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

<b>TABLE 156-0309A: FAR BONUS</b>	
<b>Public Benefit/Development Amenity</b>	<b><i>FAR Bonus</i> (to be added to maximum Base <i>FAR</i>)</b>
<i>Affordable/Senior housing</i>	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 0.5 1.0
<i>Three-bedroom units</i>	0.5 – See (3) below 1.0 – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
<b>Public Parking</b>	See (6) below
<i>FAR Payment Bonus Program</i>	Up to 2.0 – See (7) below

- (1) *Affordable/Senior Housing*. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to Chapter 14, Article 3, Division 7 of the Land Development Code may increase the permitted *FAR* as specified below.

In compliance with the State Density Bonus Law (California Government Code sections 65915 through 65918), *applicants* may earn *FAR bonus* subject to the following:

- (A) *Development* providing affordable housing may receive a *FAR bonus* according to the percentages in Table 156-0309B and as calculated in section 156.0309(e)(1)(D).
- (B) *Development* providing *senior housing* shall receive a 20 percent *FAR bonus* as calculated in section 156.0309(e)(1)(D).
- (C) The qualifying affordable or *senior housing* units shall be measured as a percentage of the residential portion of the *development* based on the *base FAR*, prior to the grant of any bonuses.
- (D) The *FAR bonus* for *development* containing affordable or *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 156-0309B, 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, or *FAR Payment Program*.

[No change in text.]

(E) The maximum *FAR bonus* earned through the provision of affordable or *senior housing* shall not be restricted by and may be in addition to the maximum *FAR* limits shown in Figures H, K, and L (other bonuses may be utilized up to these limits as provided elsewhere in this section).

(F) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be restricted in accordance with Chapter 14, Article 3, Division 7, except for those for sale units required to be restricted in perpetuity, in accordance with Table 156-0309B. *Applicants* requesting *Redevelopment Agency* financial assistance or seeking to enter into other agreements, may be subject to additional requirements for the units to qualify as affordable units under State Redevelopment Law.

- (G) *Applicants* seeking to earn *FAR bonus* for the provision of affordable or *senior housing* shall enter into an agreement with the City of San Diego Housing Commission to monitor the restrictions on the affordable or *senior housing* units.
- (H) [No change in text.]
- (2) *Urban Open Space. Applicants* that reserve a portion of their site for the *development* of public *urban open space* (*public park* or plaza) may earn a *FAR bonus* of 0.5 or 1.0, as specified in Table 156-0309A, subject to the following criteria:
  - (A) The *urban open space* shall be designed to meet the criteria listed in section 156.0311(r) of this Division.
  - (B) [No change in text.]
  - (C) The *urban open space* shall be located and designed to provide a significant benefit to the surrounding neighborhood.
  - (D) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the open space area to City standards in perpetuity. Such *CC&Rs* shall be approved by *CCDC* and the City Attorney's Office.

- (3) *Three-Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide three-*bedroom* units comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* shall be entitled to a *FAR bonus*, subject to the following criteria:
- (A) There shall be at least five three-*bedroom dwelling units* within the *development*;
  - (B) Each three-*bedroom dwelling unit* used to earn the *FAR bonus* shall not exceed 1200 square feet;
  - (C) Each *bedroom* in the *dwelling unit* used to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;
  - (D) *CC&Rs* shall be recorded on the property ensuring the number of *bedrooms* in the units used to earn the *FAR bonus* shall not be reduced;
  - (E) *Development* providing at least 50 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 0.5;  
and
  - (F) *Development* providing at least 80 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 1.0.

(4) *Eco-Roofs.* *Eco-roofs* reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest. To encourage landscaped and ecologically designed roof tops, a *FAR bonus* may be earned based on the amount of *eco-roof* area. *Eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the *CCDC President* prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

(A) The amount of *FAR bonus* allowed for a given *development* depends on the amount of *eco-roof* coverage in relation to the building's footprint above 30 feet from *grade* as follows:

(i) If the total landscaped area of *eco-roof* is 10 to 30 percent of the building's footprint, then each square foot of the *eco-roof* earns 1 square foot of additional *floor area*.

(ii) If the total landscaped area of *eco-roof* is 31 to 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 2 square feet of additional *floor area*.



- (iii) If the total area of *eco-roof* exceeds 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 3 square feet of additional *floor* area.
    - (iv) Total additional *floor* area earned by an *eco-roof* shall not exceed 1.0 *FAR*.
  - (B) *CC&Rs* approved by *CCDC* and the City Attorney's Office shall be recorded on the property providing for the *development* and perpetual maintenance of the *eco-roof* to City standards.
  - (C) All vegetation must be maintained for the life of the *development*.
- (5) *Employment Uses*. To encourage the *development* of *employment uses* in the Centre City Planned District, *FAR bonus* may be earned for the provision of *employment uses* within the *development*. In the Employment Required Overlay District, *development* 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 *development* 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. One square foot of *FAR bonus* may be earned for every square foot of parking area made 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 *applicants* to purchase additional *FAR*. The maximum amount of *FAR* which may be purchased through this program shall be as shown in Figure J.

(f) Exemptions from *FAR* Calculations

The following exemptions apply to the calculations for *FAR*:

- (1) *Historical Buildings*. Any *floor area* within the *building envelope* of any *designated historical resource* shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*, if the *designated historical resource* is preserved, rehabilitated, restored, or reconstructed and the *development* results in no more than minor alterations to the *designated historical resource* consistent with the Secretary of the Interior's Standards and Guidelines, or the *development* is approved through the Site Development Permit or Neighborhood Development

Permit procedures, in accordance with Chapters 11 through 14 of the Land Development Code.

- (2) **Public Uses.** If a *development* incorporates a building or portion of a building that is owned by the City of San Diego, the *Redevelopment Agency*, or a public *school* district, and it is utilized for a public purpose such as a community recreation center, fire station, public *school*, or other similar public use as determined by the *CCDC President*, the *floor* area of that public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.
- (3) **Public Parking.** Above-*grade* parking areas permanently available for public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. 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 *gross floor area* for the purposes of calculating the *FAR* for the *development*.

- (5) *Cultural Uses.* Any floor area provided within a *development* that is dedicated to a *cultural use* or other similar use as approved by the *CCDC President*, shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. *CC&Rs* shall be recorded on the property ensuring the use of such space for similar *cultural uses* in perpetuity.
- (g) *Transfer of Development Rights Program*
- (1) *Purpose.* The purpose of the *TDR* program is to promote the creation of additional *public park* land downtown to meet the needs of residents, workers, and visitors within the Centre City Planned District and to encourage the preservation, restoration, and rehabilitation of *designated historical resources*. The City finds that the growing concentration of *development* in downtown requires the creation of new park land areas for the recreational and aesthetic benefit and enjoyment of the public, and that *historical resources* contribute to the quality of the urban environment.
- (2) *Eligible Sites.* Eligible *receiving sites* are those sites identified in Figure K. Eligible park *TDR sending sites* are those sites identified as future *public park* sites in the Downtown Community Plan and in Figure C. Eligible *historical resource TDR sending sites* must

contain a *designated historical resource* and qualify under either

(A) or (B) below:

- (A) The *sending site* is located on the same block as the *receiving site*; or
- (B) The *historical resource* is in need of preservation, rehabilitation, or restoration and the ability to transfer *gross floor area* is needed to assist in the funding of such preservation, rehabilitation, or restoration. In order to qualify as a *sending site*, the *applicant* must submit a study acceptable to *CCDC* verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source. The *CCDC President* has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The *Redevelopment Agency* has sole discretion, upon recommendation from *CCDC*, to approve a transfer of *gross floor area* to a *TDR* bank to be maintained and tracked by the *CCDC President* on behalf of the *Redevelopment Agency*. The amount of *gross floor area* approved for transfer shall be determined based on the permitted transferable *gross floor area*, the extent of the rehabilitation and preservation costs needed for the *historical resource*, and the potential for appropriate future *development* on the *sending site* to achieve the goals

and policies of the Downtown Community Plan and this section.

- (3) Preservation Agreement. *Applicants* or owners of *sending sites* taking part in the *historical resources TDR* program, shall enter into a Preservation, Rehabilitation, Restoration and Maintenance Agreement or similar agreement with the City, which guarantees the treatment of the *historical resource* consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. The agreement shall also require the reconstruction of the *historical resource* according to the Secretary of the Interior's Standards for Historic Properties if the *historical resource* is destroyed by fire, natural disaster, or act of a public enemy.
- (4) Allowable Transfers. All of the allowable *gross floor area* on a *sending site* may be transferred in its entirety, to a single *receiving site* or entity, or in separate increments to several *receiving sites* in accordance with the procedures of section 156.0309(g)(7). *Gross floor area* may be transferred either directly from the owner of the *sending site* to the owner of a *receiving site*, or to a *TDR bank* maintained and tracked by the *CCDC President* on behalf of the *Redevelopment Agency*. The *Redevelopment Agency* may acquire the *gross floor area* from the owner of a *sending site* and maintain such *gross floor area* for subsequent transfers to *receiving sites*.

(5) Permitted Transferable *Gross Floor Area*. The *gross floor area* that may be transferred shall be calculated as the permitted *gross floor area* based on the *sending site's* size and permitted maximum *base FAR*, as illustrated in Figure H. For transfers involving *sending sites* containing *designated historical resources*, the *gross floor area* of any non-designated *structure* remaining on the *sending site* shall be deducted from the permitted transferable *gross floor area*.

(6) Example Calculations:

Park Example: *Sending Site* = 10,000 square feet

Maximum base *FAR* = 6

Permitted Transferable *gross floor area* = 60,000  
square feet

*Historical Resource* example:

*Sending Site* = 10,000 square feet

Maximum base *FAR* = 6

*Gross floor area* of Non-Historical *Structure* = 20,000  
square feet

*Gross floor area* of *Historical Structure* (exempted

from *FAR* calculations) = 20,000 square feet

Permitted Transferable *gross floor area* = 40,000  
square feet.

(7) Procedures. The following procedures are required for any transfer of *gross floor area*:

(A) *Certificate of Transfer*. The owner of a *sending site* wishing to transfer permitted *gross floor area* from the *sending site* shall execute a *certificate of transfer*. The *certificate of transfer* shall contain all of the following:

- (i) The names and mailing addresses of the transferor (original owner of the *sending site*) and transferees (owner(s) of the *receiving site(s)* or the *TDR* bank) of the *gross floor area*.
- (ii) Execution and acknowledgement of the transfer of the *gross floor area* by the transferor of the *gross floor area*, all parties with record title interest in the real property of the *sending site*, the transferees of the *gross floor area*, and the *CCDC President*.
- (iii) The amount of *gross floor area* transferred (in square feet); and



- (iv) The addresses, legal descriptions, assessor's parcel numbers, and land use districts of the *sending site* and *receiving site*.
- (B) Approval by *CCDC President*. The *CCDC President* shall not execute the *certificate of transfer* if a transfer of the *gross floor area* would be prohibited by any provision of the San Diego Municipal Code.
- (C) Recordation. Each duly executed and acknowledged *certificate of transfer* containing the information required by this section shall be recorded in the County Recorder's office. The County Recorder shall be instructed to mail the original *certificate of transfer* to *CCDC*, with copies to both the transferor and transferee of the *gross floor area*.
- (D) Property Deed. In addition to a *certificate of transfer*, the owner(s) of a *sending site* involving a *TDR* for *public park* land shall execute a deed transferring ownership of the site to the *Redevelopment Agency*.
- (E) Approval for *Development*. When the use of *TDR* is necessary for the approval of a building permit for a *development* on a *receiving site*, the City shall not issue any building permits for that site unless the *CCDC President* has issued a written verification that the owner of the

*receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.

**§156.0310 Development Regulations**

- (a) **Minimum Lot Size and Lot Coverage.** Minimum *lot size* or *lot coverage* requirements of the Land Development Code shall not apply in the Centre City Planned District.
- (b) **Minimum Building Setbacks.** The *CCDC President* may require up to a 10-foot interior *property line setback* where a *development* is adjoining an existing residential *development* to maintain minimum provisions for light and air.
- (c) **Building Height.** The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structures* up to 30 feet high that conceal mechanical equipment and elevator and stair overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of the parapet(s) of the nearest building wall(s). The maximum heights of buildings are illustrated in Figure F, with the following additional restrictions:

- (1) Within the Little Italy Sun Access Overlay, *building height* shall not exceed 150 feet. A maximum *building envelope* height shall be further defined as follows and as illustrated in Figure N:
  - (A) On blocks north of Cedar Street, all *street frontages* shall be defined by a maximum 50-foot *street wall*. Above the 50-foot *street wall*, the maximum *building envelope* shall be defined by:
    - (i) a 45-degree angle up to a maximum height of 150 feet on the east and west frontages of a block facing onto a *street*; and
    - (ii) a 15-foot *stepback* above the 50-foot *street wall* on the north and south frontages of a block facing onto a *street*.
  - (B) On the blocks between Beech Street and Cedar Street, the maximum height shall be determined in accordance with section 156.0310(d), with an additional maximum *building envelope* height defined by a 45-degree angle measured from a height of 50 feet along the northern *property line* of a block *street frontage* to a maximum height of 335 feet, measured 15 feet northerly of the southern *property line* of a block *street frontage*.

- (C) Along one side of a building, a *street wall* may be increased to a maximum height of 85 feet along a maximum of 40 percent of the building frontage to provide required Fire Department access. The building shall then *stepback* to comply with the *building envelopes* described in sections 156.0310(c)(1)(A)-(B).
- (2) For sites within the Park Sun Access Overlay, building heights shall be determined by Figure M.
- (3) For sites within the Airport Approach Overlay Zone, maximum building heights shall be determined by the most recently adopted Airport Land Use Compatibility Plan. Building heights shall not be limited by the former approach path for the decommissioned Runway 13-31.
- (d) **Building Bulk.** Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be used only in the areas within the Large Floorplate and Employment Required Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310A:

**TABLE 156-0310A:DEVELOPMENT STANDARDS**

<b>Land Use Districts</b>	<b>Residential Emphasis (RE)</b>	<b>Neighborhood Center (NC)</b>	<b>All other</b>	<b>Employment Required (E) or Large Floorplate (LF) Overlays</b>	<b>Little Italy Sun Access Overlay (LISA)</b>	<b>Properties West of Kettner Boulevard</b>
<b>Building Height (feet from ground level)</b>						
<i>Building Base/Street wall</i>						
Minimum	45	45	45	45	30/40 <sup>1</sup>	45
Maximum	85	65 <sup>3</sup>	85	85	50/85	85
<i>Mid-Zone</i>						
Maximum	N/A	N/A	N/A	180	125	N/A
<i>Tower</i> <b>Maximum Height Per Figure F</b>						
<b>Maximum Lot Coverage</b>						
<i>Building Base</i>	100%	100%	100%	100%	100%	100%
<i>Mid-Zone</i>	N/A	N/A	N/A	80%	N/A	N/A
<i>Tower</i>	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 <i>Public Right-of-Way</i>	15 <sup>2</sup>	15 <sup>2</sup> /25 <sup>3</sup>	15 <sup>1</sup>	15 <sup>2</sup>	15	15 <sup>2</sup>
From <i>Interior Property Line</i>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>	20 <sup>4</sup>
1 See section 151.0310(d)(1)(D)(iii). 2 See section 151.0310(d)(3)(D) for exemptions. 3 Applied along <i>main streets</i> with a general north-south orientation, without exception. 4 See section 151.0310 (d)(3)(E) for exemptions.						

(1) *Building Base*

(A) [No change in text.]

(B) *Street Wall Frontage*. A *street wall* containing habitable space shall be provided along 100 percent of the *street frontage*, with the following exceptions:

- (i) *Public parks* or plazas subject to the Design Guidelines in section 156.0311(r);
  - (ii) *Courtyard* entrances up to 30 feet wide in residential *development*, as specified in section 156.0311(n)(2);
  - (iii) Recessed entrances a maximum of 25 feet wide and a maximum of 15 feet deep;
  - (iv) Internal entry courts, auto courts, or auto drop-offs may be allowed behind the required *street wall*;
  - (v) Patios and balconies in front of habitable space may qualify as *street wall* through the Centre City Development Permit review process; or
  - (vi) [No change in text.]
- (C) *Street Wall Setback*. The *street wall* shall be located within 5 feet of the *property line* adjoining any *street* (measured after any required *public right-of-way* dedication), except for properties located within the Residential Emphasis District or where the *street wall* contains ground-level residential units, in which case the *street wall* shall be set back a minimum of 3 feet and a maximum of 10 feet from the *property line* adjoining any public *street*.

- (D) *Minimum Street Wall Height.* The minimum height of the *street wall* shall be 45 feet in accordance with Table 156-0310A with the following exceptions:
- (i) For *development* involving a *designated historical resource*, a lower *street wall* height may be approved as part of the *Design Review* process. *Street wall* height and design will also be subject to the review and approval processes pertaining to *historical resources* contained within Chapters 11 through 14 of the Land Development Code.
  - (ii) For *development* in designated view corridor *streets*, the minimum *street wall* height may be lowered to 30 feet to comply with Table 156-0310B.
  - (iii) Within the Little Italy neighborhood, the minimum *street wall* height may be reduced to 40 feet north of Beech Street and 30 feet north of Ivy Street.
  - (iv) In residential *development*, an exception to this minimum height may be approved for roof-top open space if the area is located over 30 feet above the sidewalk *grade* and measures no more than 50 feet along the *street wall*.

- (E) Maximum *Street Wall* Height. The maximum height of the *street wall* shall be between 50 and 85 feet as specified in Table 156-0310A, 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 percent) subject to the following exceptions:
- (i) [No change in text].
  - (ii) For buildings within the Large Floorplate or Employment Required Overlay Districts, the *street wall* may be extended up into the *mid-zone* without any *building façade setbacks* as provided in section 156.0310(d)(2).
  - (iii) For buildings containing a *tower*, the *street wall* may be extended up into the *tower* without any *building façade setbacks* as provided in section 156.0310(d)(3)(D).
  - (iv) For *development* within Neighborhood Mixed-Use Centers, a maximum *street wall* height of 65 feet applies along *main streets* with a north/south orientation. However, if the *development* does not have frontage on any other public *street*, the *street*



*wall* height may be increased to 85 feet if  
determined necessary for Fire Department access.

(F) View Corridor *Setbacks* and *Stepbacks*.

Buildings shall be set back, or upper *floors* shall provide *stepback*, along those sections of view corridor *streets* designated in Figure G, in accordance with Table 156-0310B. The *setback* or *stepback* shall be measured from the *property line* adjoining any public *street* (measured after any required *public right-of-way* dedication), or from any extensions of *public right-of-way* lines for *streets*.

<b>TABLE 156-0310B: VIEW CORRIDOR STEPBACKS</b>		
STREET (refer to Figure G for applicable locations)	Required <i>Stepback</i> (Feet)	<i>Stepback</i> Elevation (Feet)
Laurel Street	15	30
Juniper Street	15	30
Hawthorne 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		Ground Level
– West of Pacific Highway	20	30
– Pacific Highway to Kettner Boulevard	15	50
– Kettner Boulevard to Sixth Avenue	15	
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

(2) *Mid-Zone*

Maximum *lot coverage* and maximum height of the *mid-zone* shall be in accordance with Table 156-0310A, and may be provided

only within the Large Floorplate or Employment Required Overlay Districts, subject to the following regulations:

- (A) [No change in text.]
  - (B) Maximum Height. The maximum height of the *mid-zone* of a building is 180 feet.
- (3) *Tower*
- (A) Maximum *Lot Coverage*. The maximum *lot coverage* of the *tower* of the building shall be 50 percent of the *lot* area, or a maximum 60 percent of *lot* area within the Large Floorplate or Employment Required Overlay Districts in accordance with Table 156-0310A.
  - (B) Maximum *Tower Dimensions*. The maximum *tower floor plate* dimensions shall be as specified in Table 156-0310A. Dimensions of individual *towers* shall be measured from elevation drawings and regulate the maximum possible profile dimension for the *tower*.
  - (C) *Tower Separation*. Within a single *development*, *towers* shall be separated by a minimum of 60 feet for sites of 50,000 square feet or more, or located west of Kettner Boulevard or in the Little Italy Sun Access Overlay District. For sites containing less than 50,000 square feet,

except for those sites located west of Kettner Boulevard or in the Little Italy Sun Access Overlay District, *towers* shall be separated by a minimum of 40 feet.

- (D) *Tower Setback from Public Streets.* *Towers* shall be set back from any *property line* adjoining a public *street* by a minimum of 15 feet, with the following exceptions:
- (i) One side of any *tower* shall be exempt from this *setback* requirement, except within the Little Italy Sun Access Overlay District.
  - (ii) [No change in text.]
  - (iii) In Neighborhood Mixed-Use 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) *Tower Setback from Interior Property Lines.* *Towers* shall avoid blank walls, allow glazing, and be set back from interior *property lines* adjoining another parcel by a minimum of 20 feet, subject to the following two exceptions:
- (i) [No change in text.]

- (ii) If an existing *tower* on an adjoining parcel contains a blank, solid wall with less than a 20-foot *setback* from the common *property line*, then the proposed *tower* may reduce or eliminate its *setback* along that portion of the common *property line* that aligns with the *tower* on the adjoining parcel (creating a *blank wall* to *blank wall* condition).

(F) *Upper Tower*

The *upper tower* shall be designed in accordance with section 156.0311(g)(5).

(e) *Ground-floor Heights*

The minimum *ground-floor* height for buildings, measured from the average *grade* of the adjoining public sidewalk, in increments of no more than 100 feet along a *development* frontage, to the finished elevation of the second *floor*, shall be the average of:

- (1) Twelve feet for buildings containing *ground-floor* residential uses;
- (2) Fifteen feet, but not less than 13 feet, for buildings containing *ground-floor* non-residential uses; and
- (3) Twenty feet, but not less than 18 feet, for buildings containing *ground-floor active commercial uses* within the Neighborhood

Mixed-Use 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) Commercial Space Depth

The minimum depths of commercial, ground-*floor* spaces shall be:

- (1) Twenty-five feet along 75 percent of the commercial space frontage along a public *street*; or
- (2) Forty feet along 75 percent of the commercial space frontage along *main streets*; and
- (3) Fifteen feet along the remaining 25 percent of the commercial frontage if needed to accommodate other internal functions of the building.

(g) Residential *Development* Requirements

- (1) The following standards apply to residential *developments* that contain fifty or more *dwelling units*:

(A) *Common Outdoor Open Space.*

Each *development* shall provide *common outdoor open space* either at *grade*, podium, or roof level. *Common outdoor open space* areas shall have a minimum dimension of 30 feet, or 40 feet when bordered by three building walls

exceeding a height of 15 feet, and may contain active and passive areas and a combination of *hardscape* and landscape features, but a minimum of 10 percent of the *common outdoor open space* must be planting area. All *common outdoor open space* must be accessible to all residents of the *development* through a common corridor. *Development* shall provide *common outdoor open spaces* as a percentage of the *lot* area in accordance with Table 156-0310C.

TABLE 156-0310C: COMMON OUTDOOR OPEN SPACE
[No Change in Text.]

- (B) *Common Indoor Space.* Each *development* shall provide at least one community room of at least 500 square feet for use by all residents of the *development*. The area should be located adjacent to, and be accessible from, *common outdoor open space*. This area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space, but must be accessible through a common corridor.

(C) *Private Open Space.* At least 50 percent of all *dwelling units* shall provide *private open space* on a balcony, patio, or roof terrace, with a minimum area of 40 square feet each and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the *development* in relationship to *floor* levels and sizes of units. *Living unit developments* are exempt from this requirement.

(2) Pet Open Space. Each *development* 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**

Focusing on how buildings and the spaces between them are consciously designed and integrated, the following urban design standards are intended to create a distinct urban character for the Centre City Planned District, ensure that *development* is designed with a pedestrian orientation, and foster a vital and active street life.

- (a) [No Change in Text.]
- (b) Façade Articulation



The *street wall* façade along *public rights-of-way* in all districts shall be architecturally modulated by volumes that are 100 feet wide or less, except that smaller modulations may be incorporated within larger volumes. *Street wall* facades are also subject to the following requirements:

- (1) Major entrances, corners of buildings, and *street* corners shall be clearly articulated within the *street wall* façade; and
- (2) Volumes along the *street wall* shall be defined by structural bays, substantial reveals or offsets in the wall plane, and changes in the rhythmic pattern of one or more of the following features:

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

(c) *Street Level Design*

The architecture of the *development* shall be of high quality design, material, and execution and enhance the quality of the surrounding neighborhood and the site's location.

- (1) [No change in text.]
- (2) **Wall Plane.** To avoid a monotonous flat wall plane, storefront windows, bulkheads, entries, and other

surfaces shall recess 6 to 18 inches from primary columns or walls; however, this shall not result in the storefront being set back more than 5 feet from the front *property line*.

- (3) Building Materials. The *building base* shall be clad in durable high-grade materials (stone, tile, metal, brick, glass or similar) from at least the *floor* slab of the second *floor* down to 1 inch of the finished sidewalk *grade*, and these materials shall wrap corners of exposed interior *property line* walls a minimum of 3 feet. Exit corridors, garage openings, and all recesses shall provide a finished appearance to the *street* with *street* level exterior finishes fully wrapping into the openings a minimum dimension of 10 feet.

*Designated historical resources* are exempt from these standards, but shall utilize materials consistent with the historical significance of the resource(s) as established through the review and approval processes for *historical resources* contained in Chapters 11 through 14 of the Land Development Code.

- (4) Construction Execution. All construction details shall be of the highest standard and executed to minimize weathering, eliminate staining, and avoid deterioration of materials on adjacent properties or the *public-right-of-way*.
- (A) [No change in text.]
- (B) Downspouts, mailboxes, electrical components, and other miscellaneous details shall be concealed or integrated into *building façades*. Downspouts shall not project across public sidewalks or beyond *property lines*.
- (5) Utilities. Electrical transformers and generators may be located above *grade* only if located on private property, outside the *public right-of-way*. Electrical transformers and generators shall be located below *grade* if within the *public right-of-way*. If located within a below-*grade* vault within the *public right-of-way*, the access hatch to the vault shall be located at least 6 feet back from the *street* curb, except that a minimum width access hatch may be located less than 6 feet from the *street* curb if it does not interfere with the placement of *street* trees. Areas housing trash, storage, or other utility services shall be located in the

garage or be completely concealed from view from 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.

Utility services shall not be located above *grade* in the *public right-of-way* within the Centre City Planned District unless no feasible alternative would better protect a *historical building*.

(d) *Pedestrian Entrances*

Individualized entries to ground-*floor* uses are subject to the following standards:

- (1) Location. All non-residential *development* located at the *street* level shall provide one direct at-*grade* entrance from the *public right-of-way* for each *street frontage* exceeding 50 feet. Where such frontages exceed 100 feet, one entrance shall be provided for each 100 feet of frontage or portion thereof. Separate *pedestrian entrances* for a single tenant must be at least 25 feet apart.

- (2) Location from Sidewalk Level. Door thresholds for any non-residential use shall be at sidewalk level.

Pedestrian ramps within the *public right-of-way* are prohibited, except when required for disabled access to existing buildings and no alternative is available.

- (3) Recessed Entrances. Recessed entrances shall not exceed 25 feet in width, and the face of doors or gates shall be within 15 feet of the *property line*.

(e) Transparency

A minimum of 60 percent of the *street-facing building façade* containing non-residential uses between 3 and 12 feet above the sidewalk shall be comprised of clear, non-reflective windows that allow views of indoor space. Interior blinds, drapes, and shelving for product displays visible from the *public right-of-way* may obscure a maximum of 30 percent of the transparent area of each storefront or structural bay.

(f) *Blank Walls*

*Blank walls* on the ground level of buildings are limited in order to provide a pleasant and rich pedestrian experience.

- (1) No more than 30 percent of the linear frontage of the *first-story street wall* may consist of *blank walls*. The

maximum length of any continuous *blank wall* is 20 feet, or 40 feet if the *blank wall* includes artwork approved by the decision maker for the *development* approval(s) in accordance with section 156.0304(c).

(2) All *blank walls* shall be enhanced with architectural detailing, material texture, ornamentation, or artwork.

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

(g) *Tower Design*

(1) *Tower Composition and Materials.* All *building façades* of towers shall include a variety of fenestration and material patterns to create visual interest and avoid the appearance of a repeated single *floor* extrusion. *Building façades* over 50 feet wide should have plane offsets and material changes to create shadows and relief. Some elements of *towers* shall integrate with, and extend into, the *building base façades* to avoid the appearance of *towers* isolated from the *street* and their own *building bases*.

(2) *Blank walls.* Large or continuous *blank walls* shall be limited to 15 percent of a *building façade* area, must employ deep reveal scoring, texture or material changes to break up large surfaces, and have a maximum horizontal dimension of 15 feet.

- (3) Environmental Response. To promote sustainability and energy conservation, different *tower building façades* should have distinct solar orientations with integrated and appropriate shading devices, balconies, projections, louvers, or window treatments. These treatments shall also provide desirable elevation and composition variety.
- (4) Identical Towers. Regardless of height or plan variation, no two multiple *towers* within a *development* shall exhibit identical, or closely similar, form or elevations. No *tower* shall be designed to be identical, or closely similar, to another *tower* located elsewhere in the Downtown Community Plan area.
- (5) Upper Tower Composition. To create a graceful transition to the sky and avoid a cut-off, flat top appearance, the upper 20 percent of any *tower* (measured above the *building base* or *mid-zone*) shall achieve an articulated form and composition using architectural techniques such as layering, material changes, fenestration patterns, or physical *stepbacks*. Actual reduction of *floor* areas or recessed balconies may assist this composition goal, but are not required. *Tower* tops shall resolve mechanical *penthouses* and other technical requirements in an integrated coherent manner consistent with the composition below, yet not employ flamboyant or excessive skyline gestures.

(6) *Tower Lighting.* To ensure a cohesive and compatible night skyline, *tower* accent lighting should be modest and restrained. Bright color hues and neon outlines are strongly discouraged, and white or warm color washes are preferred. Any signature lighting, including rooftop lanterns and other lighting effects, shall be designed with adjustable intensity controls for subsequent testing and approval by the *CCDC Board* as part of *Design Review*.

(7) [No change in text.]

(h) [No change in text.]

(i) Exterior Projecting Balconies

Enclosures for projecting balconies that face public *streets* shall be comprised of an average of at least 40 percent open or transparent materials (perforated mesh, translucent glass, or open rail) from eighteen inches above the balcony walking surface to the top of the balcony enclosure.

(j) Rooftops

(1) [No change in text.]

(2) Large roof areas measuring over 10,000 square feet shall exhibit patterns of roofing colors and materials. Roof gardens and *eco-roofs* may be employed to achieve the patterns. All roofs should be



considered a fifth elevation to be composed for visibility from adjacent buildings above.

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

(k) *Encroachments into the Public Rights-of-Way*

To ensure pedestrian safety and prevent excessive *encroachments* into the *public right-of-way*, the following criteria shall apply:

(1) *Encroachment Agreement*. An Encroachment Maintenance and Removal Agreement may be required by the City of San Diego pursuant to Chapter 12, Article 9, Division 7 of the Land Development Code.

(2) *Oriel Windows*. Oriel windows are subject to the following standards:

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

(E) Oriel windows shall contain glass on at least two of three projecting surfaces, and vision glass shall constitute at least 70 percent of each *floor-to-floor* area on these surfaces.

(F) Oriel windows may contain bench seating or *floor* area, but shall not contain *floor* area for bathrooms, *kitchens*, closets, or *bedrooms* (unless the *floor* area within the *public right-*

*of-way* is in excess of a minimum *bedroom* dimension of 10 feet measured inside of the *property line*).

- (3) Other Projections. Additional *encroachments* such as awnings, canopies, and *marquees* may be permitted in accordance with Chapter 14, Article 2, Division 12 of the Land Development Code. An awning or non-horizontal element that wraps a building corner may be approved by the *CCDC President* in accordance with Process One upon finding that it provides a direct public benefit.
- (4) Subterranean Garages and Basements. *Encroachments* may be permitted in accordance with to Chapter 12, Article 9, Division 7 of the Land Development Code and City Council Policy 700-18 subject to the following additional criteria:
  - (A) Underground encroachments extending 8 feet below the top of the sidewalk shall not be located within 6 feet from the curb face, except to accommodate access hatches to underground vaults. Such hatches shall be located to avoid interference with *street* tree planting.
  - (B) [No change in text.]
- (l) Building Identification

*Development* constructed on sites larger than 5,000 square feet shall install building identification located between 3 and 5 feet above the sidewalk

level near the primary entrance or at a corner, to the following specifications:

- (1) The building identification shall be made of a durable permanent plaque or shall be inscribed in the most durable base material;
- (2) The inscription area or plaque face shall be 1 to 4 square feet in area;
- (3) The letters shall be at least 1 inch in height and shall be raised or incised; and
- (4) The text shall include the original building name and the year completed. The primary *development* entity, architect, and general contractor may be added to the extent space allows.

(m) *Historical Resources*

*Historical resources* should be retained and integrated into larger *development* with adaptive use, where feasible. If a proposed *development* may have a significant impact on an *historical resource* and the City determines that no feasible alternative exists that would preserve the *historical resource* on its existing site, the City will determine if relocation of the *historical resource* to a site within the Centre City Planned District is feasible. If full retention is not feasible, the retention and reuse of notable architectural fragments or features is strongly encouraged,

especially when particular elements are identified as significant in respective neighborhood guidelines, with possible use as part of a public art program. The alteration of *historical resources* pursuant to this section shall be reviewed and approved according to the regulations for *historical resources* contained in Chapters 11 through 14 of the Land Development Code.

(n) *Additional Standards for Residential Development*

In addition to the requirements listed above, the following standards apply to *development* in the Residential Emphasis District or with *ground-floor* residential units.

(1) *Front Setback Area.* The required 3- to 10-foot *setback* area from the front *property line* shall be improved with one or more of the following: extension of sidewalk materials, landscaping, or stoop entrances.

(2) *Street Wall Openings.* Residential *development* may contain openings in the *street wall* up to 30 feet wide to allow for the extension of interior *courtyards* to the public *street*. Any security gating or fencing across this area shall be a minimum 75 percent open to provide views into the *courtyard*.

(3) [No change in text.]

- (4) Finished *Floor* Elevation. Ground-*floor* residential units shall provide finished *floor* elevations of between 18 to 42 inches above the adjoining sidewalk for a minimum depth of 10 feet inside the unit.
- (5) [No change in text.]
- (6) Enclosures. *Fences* and gates are allowed within the *setback* area only if they demarcate *private open space* attached to a residential unit and they meet the following criteria:
  - (A) *At-grade* level, solid walls or *fences* shall not be more than 42 inches above the sidewalk *grade*. *At-grade* vision glass or railings (at least 80 percent open) shall not be more than 60 inches above the sidewalk *grade*.
  - (B) Gates and railings located on stoops or raised patios shall be transparent (clear glass or railings at least 80 percent open) and shall not exceed 48 inches in height.
- (7) Entrances. In order to emphasize the residential nature of the area, a minimum of 75 percent of ground-*floor* residential units shall have direct access to the *street*; a maximum of two units may share an entrance. Individual residential entrances are subject to the following standards:
  - (A) through (C) [No change in text.]

(o) Additional Standards for *Main Streets*

In addition to the requirements listed in sections 156.0311(a)-(n), the following standards apply to *development* located on *main streets*, identified on Figure D:

- (1) Façade Articulation. *Street wall building façades* along *public rights-of-way* on *main streets* shall be architecturally modulated by volumes or structural bays that are 50 feet wide or less.
- (2) Storefront Frontage. A single tenant may have a maximum of 150 linear feet of *street-facing façade* on any *street frontage* or contiguous corner. Where a large tenancy is planned, it is desirable to locate the majority of the area behind smaller frontages. Storefronts and entrances should activate corners. Service areas, parking entries, or other support functions should be located at mid-block locations.

(p) Additional Standards for Neighborhood Mixed-Use Centers and the Fine Grain Development Overlay District

Within each Neighborhood Mixed-Use Center, as shown in Figure B, and within the Fine Grain Development Overlay District as shown on Figure C, the following standards and guidelines apply:

- (1) Smaller *Lot Grain*. All sites greater than 10,000 square feet shall compose the primary architectural massing into distinct forms or

elements that break down the *development* scale to volumes 100 feet by 100 feet maximum in plan.

(A) Smaller increments that acknowledge the 50-foot by 100-foot and 25-foot by 100-foot historical *lot development* pattern are preferred. Repetitive elements or monolithic treatments shall not create a half- or full-block massing or appearance.

(B) [No change in text.]

(2) Scaled and Varied *Street Wall*. A strong horizontal cornice/canopy, *stepback*, or parapet should be established between 45 and 85 feet on all *street walls*, broken and corresponding with the modulated volumes, to maintain an appropriately scaled frame for the *public right-of-way*. To achieve modulation, primary structural columns should be recessed 3 to 5 feet from *street property lines*, affording design flexibility for wall planes and volumes.

(3) Pedestrian Engagement. The ground *floor* of all *development* shall provide a high degree of pedestrian transparency, access, and visual interest.

(A) Within Neighborhood Mixed-Use Centers, the horizontal spacing of entry doors to ground-*floor* uses shall not exceed 40 feet. For *development* 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) The entire *street wall* shall employ well-detailed, high quality, durable materials such as stone, tile, metal, brick, or limited expanses of architectural concrete, with recessed, tall storefronts and clear glass. Integrated *signs*, canopies, and wall-mounted light fixtures also contribute to pedestrian scale.

(q) Ballpark Mixed-Use District Design Guidelines

- (1) Intent. The intent of these Design Guidelines is to create a memorable district that instills a strong sensory response from visitors—a district that is safe and comfortable throughout the year, and retains an association with historic activities of the J Street Corridor and the transition zone and their role in San Diego’s growth and *development*, nurturing positive social interaction and neighborliness on non-game days as well as days with planned events. These Design Guidelines are intended to revitalize the East Village and promote new *development* that is compatible with the *PETCO Park* and the existing buildings of the J Street Corridor and the transition zone. These Design Guidelines



shall be advisory, not regulatory, for all public and private *development*.

- (2) Goals. The *development* of the Ballpark Mixed-Use District is meant to achieve the:

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

- (3) Character. The following strategies form the basis of the design of buildings, streetscapes, plazas, and open spaces within the district:

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

- (E) Two sub-areas within the Ballpark Mixed-Use District should receive particular attention:

(i) The J Street Corridor. The J Street corridor (between Sixth and Eleventh Avenues) should be developed as an active commercial mixed-use district with a strong pedestrian orientation. The character of late nineteenth and early twentieth century commercial buildings should be extended eastward from the Gaslamp Quarter. The *development* of new buildings shall be compatible in scale and materials.

(ii) The Sixth/Seventh Avenue Transition Zone. Located immediately west of *PETCO Park* between

L Street and the J Street Corridor, this area should create links between the Gaslamp Quarter and *PETCO Park* along K and L Streets.

(4) Design Guidelines

(A) Along the J Street Corridor

- (i) Built-to Lines: With the exception of where plazas are planned, a *street wall* should be built within 5 feet of the *public right-of-way* along 100 percent of the building frontage.
- (ii) *Street Wall Façade*: The *street wall* façade should be architecturally modulated to create visual interest and diversity, and to reinforce the pedestrian scale and character of the *street*.
- (iii) The height of buildings along the *street wall* should create a *building base* and complement the height of older buildings in the corridor. Generally, *street wall* height should not exceed 5 stories or 60 feet in keeping with the character of existing nineteenth and early twentieth century commercial and warehouse *structures*. *Tower* elements of the *street wall* which do not exceed 50 feet in width may

exceed 60 feet in height so long as architectural fenestration, detailing and exterior materials create a podium appearance compatible with adjacent *structures* and visually break-up the appearance of the *street wall*. Any *development* with its highest occupiable *floor* level above 75 feet, which is greater than 50 feet wide, shall be stepped back by at least 50 feet.

- (iv) Building *mass and scale* should complement the incremental parcelization of the *street*, introducing changes in building plane, fenestration rhythm, materials, or other elements at intervals of approximately 50 to 100 feet.
- (v) The design of *building façades* should provide a well-composed treatment of recessed and large punctured openings within a solid wall. Large expanses of curtain wall are discouraged in this area.
- (vi) through (viii) [No change in text.]
- (ix) Use of building materials that extend and complement the character of existing nineteenth and twentieth century commercial and warehouse

*structures* (e.g., brick, metal, stucco, ornamental cement, terra cotta, wood, or steel sash) is encouraged.

- (x) Large well-composed punctured window openings, in the spirit of existing commercial and warehouse *structures* should be provided on the *building façades* to extend the character and scale of these nineteenth and early twentieth century buildings. To further these objectives, buildings along this corridor should introduce high *floor-to-floor* dimensions (e.g., greater than 12 feet on upper *floors* and greater than 15 feet on the ground *floor*).
  - (xi) Vehicular Access: Curb cuts are strongly discouraged along J Street. The number and size of curb cuts for all *development* should be minimized.
- (B) Within the Sixth/Seventh Avenue Transition Zone:
- (i) Built-to Lines: With the exception of where plazas are planned, a *street wall* should be built within 5 feet of the *public right-of-way* along 100 percent of the building frontage.

- (ii) *Street Wall Façade*: The *street wall* façade should be architecturally modulated to create visual interest and diversity, and to reinforce the pedestrian scale and character of the *street*.
  - (iii) [No change in text.]
- (C) *Street Level Treatment and Pedestrian Entrances*. All *developments* should provide *active commercial uses* along a majority of each *street frontage* in order to provide an active pedestrian-oriented experience. These *active commercial uses* should include clear, or lightly tinted, glass storefronts and windows and *pedestrian entrances*. Extended areas of solid walls should be minimized and mitigated through architectural articulation.
- (D) *Parking Garages*. Parking garages should comply with the Centre City Planned District requirements for *street level* uses. The garages should be set back behind multi-story residential or commercial uses where appropriate and feasible to buffer the garages from facing residential or commercial uses. The façade treatment of freestanding parking garages should create an integrated and complementary architectural expression with adjacent or attached buildings along a *public right-of-way*, such that

parked cars are predominantly *screened* from public view; sloped *floors* are not expressed; and a visually composed façade of openings, plane changes, belt courses, cornice treatments, and other architectural devices are developed.

(r) *Urban Open Space Design Guidelines*

These standards apply to any *urban open space* that is proposed as a public amenity for the purpose of obtaining an *FAR bonus*. For *development* proposing *urban open space* as an exception to the *street wall* requirements of this Division, the following criteria shall be evaluated during *Design Review*.

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

(4) The *grade* of an *urban open space* shall not exceed 3 feet above or below the sidewalk *grade*. On sloping sites, the change in elevation between the sidewalk and 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) [No change in text.]

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

- (A) At least one 36-inch box tree shall be planted in the *urban open space* for each 500 square feet of *urban open space*.
  - (B) [No change in text.]
  - (C) 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*; and
    - (ii) [No change in text.]
- (7) Seating. One linear foot of seating shall be provided for each 30 square feet of *urban open space*, as follows:
- (A) through (B) [No change in text.]
- (8) [No change in text.]
- (9) Kiosks and *Pushcarts*.
- (A) All kiosks shall be free-standing, *one-story structures*, constructed predominantly of light materials such as metal, glass, or fabric and shall not exceed 100 square feet in area.
  - (B) Moveable *pushcarts* providing food products, fresh fruits or vegetables, fresh-cut flowers, or live plants shall comply

with the *pushcart* regulations of Chapter 14, Article 1,  
Division 6 of the Land Development Code.

(C) [No change in text.]

(s) Mid-Block Walkways, Courts and Walls

Where site constraints, such as *public utility* easements or documented earthquake faults, prohibit the construction of building area on a portion of a site, *development* should incorporate semi-public, through-block walkways, courts, or *urban open space* to support ground-floor commercial activities or provide alternate circulation paths. These areas shall be designed to ensure public safety and promote maximum visibility and surveillance from adjacent uses and shall be maintained by the *record owner(s)*.

**§156.0312 Performance Standards**

(a) [No change in text.]

(b) [No change in text.]

(c) Wind Acceleration

Wind acceleration studies may be required as part of the *development* review process to evaluate potential adverse impacts of wind acceleration onto *public rights-of-way*, *urban open space* areas, and other public spaces. Vertical wall surfaces 100 feet and taller shall employ changes in



the horizontal canopy or volumetric step to break wind shear before reaching the ground level.

(d) Ballpark Mixed-Use District

The following standards apply to all *development* in this district:

- (1) [No change in text.]
- (2) Noise Impacts. All *development* proposals shall include an acoustical analysis specifying construction standards necessary to meet the noise abatement and control requirements of San Diego Municipal Code Chapter 5, Article 9.5. The analysis also shall include anticipated or actual noise impacts from *PETCO Park*.

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

(a) Residential *Off-Street Parking Space* and Loading Bay Requirements.

The parking requirements in Table 156-0313A and section 156.0313(a) shall apply to residential uses. All parking spaces required by Table 156-0313A shall be reserved for the exclusive use of residents of the *development*.

**TABLE 156-0313A  
RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i>		
<i>Living Units</i>	Market rate unit	0.5 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shop Keeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision to accommodate requests for reduction in parking requirements.

\**Reasonable accommodations* to these parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law. Please refer to the *reasonable accommodations* provisions of the San Diego Municipal Code section 131.0466.

- (1) Guest or Service Parking. Multi-family residential *development* shall provide additional off-*street* parking spaces at a ratio of one space for every thirty units. These spaces shall be permanently reserved and clearly marked for visitor or service use only. *Development* containing fewer than fifty *dwelling units* shall be exempt from this requirement.
- (2) Off-*Street* Loading. The following standards shall apply for multi-family residential *development*:

- (A) *Development* containing 100 or more *dwelling units* shall provide at least one off-*street* loading bay that shall be at least 35 feet deep, 13 feet wide, and 13 feet tall (measured from the inside walls);
  - (B) Loading bays shall have direct access into the internal circulation system of the *development* and elevators;
  - (C) Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading bay and parking areas and decrease potential conflicts; and
  - (D) Loading bay location shall not create traffic conflicts.
- (3) Motorcycle Parking. One motorcycle parking space shall be provided for every twenty *dwelling units*.
- (4) Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.

(b) Non-Residential *Off-Street Parking Space* and Loading Bay Requirements

The parking requirements in Table 156-0313B and section 156.0313(b)

shall apply to non-residential uses.

TABLE 156-0313B NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS			
Use Category	Minimum		Notes
Office	1.5 spaces per 1,000 square feet		<i>Development</i> containing less than 50,000 square feet of office space are exempt.
Commercial/Retail	1 space per 1,000 square feet		<i>Development</i> containing less than 30,000 square feet of commercial/retail space are exempt.
Warehouse & Storage	1 space per 10,000 square feet		
Hotel	0.3 spaces per room		<i>Development</i> containing less than 25 guest rooms are exempt.
Single Room Occupancy Units	Market rate unit	0.5 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces-per unit	
	At or below 40% AMI	None	

(1) Motorcycle and Bicycle Parking. One motorcycle parking space and one bicycle parking space shall be provided for every twenty required vehicle spaces.

(2) *Off-Street* Loading.

(A) For *development* containing 30,000 to 100,000 square feet of commercial space, one *off-street* loading bay shall be provided that shall be a minimum of 30 feet deep, 14 feet wide, and 14 feet tall (measured from the inside walls).

(B) For *developments* containing over 100,000 square feet of commercial space:

- (i) One off-*street* loading bay shall be provided, with the bay measuring a minimum of 35 feet deep, 14 feet wide, and 14 feet tall;
- (ii) Loading bays shall provide direct access into the internal circulation system of the *development*;
- (iii) Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading and parking areas and decrease potential traffic conflicts; and
- (iv) Loading bay location shall not create traffic conflicts.

(c) North Embarcadero *Off-Street Parking Space* Requirements

The parking requirements in Table 156-0313C shall apply to *developments* located west of California Street between Harbor Drive and West Laurel Street.

**TABLE 156-0313C  
NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS**

<b>Use Category</b>	<b>Minimum</b>		<b>Notes</b>
<i>Dwelling units</i>	1 space per <i>bedroom</i>		To a maximum of two spaces per unit.
<i>Living Units &amp; Single Room Occupancy Hotel Rooms</i>	Market rate unit	0.5 spaces per unit	Based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living*</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shopkeeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision to accommodate requests for reduction in parking requirements.
<i>Office</i>	2 spaces per 1,000 square feet		
<i>Hotel</i>	0.5 spaces per room		
<i>Warehouse &amp; Storage</i>	1 space per 10,000 square feet		
<i>Retail</i>	2.5 spaces per 1,000 square feet		
<i>Restaurant</i>	5.0 spaces per 1,000 square feet		

*\*Reasonable accommodations* to these parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law. Please refer to the *reasonable accommodations* provisions of the San Diego Municipal Code section 131.0466.

(d) *Small Lot Reduction*

For *lots* of 5,000 square feet or less, the minimum number of parking spaces required is reduced by 50 percent.

(e) Enclosed Parking

All parking provided within a *development* shall be enclosed and architecturally integrated into, or on top of, a *structure*.

(f) Below-Grade Parking

At least three levels of below-*grade* parking shall be provided prior to the provision of any above-*grade* parking, with the following exceptions:

- (1) Below-*grade* parking is not required for parcels less than 10,000 square feet in area.
- (2) For *development* on sites that contain *designated historical resources*, the *CCDC President* may approve an exception to the below-*grade* parking requirements upon finding that below-*grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites proven to be significantly impacted by the underground water table, the *CCDC President* may approve an exception to the below-*grade* parking requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

(4) *Public parking garages and development* located within the Ballpark Mixed-Use District are only required to provide two levels of *below-grade* parking prior to the provision of any *above-grade* parking.

(g) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces, unless the conversion is from commercial to residential use. The proposed conversion of a building to a residential use or the expansion of any building that cannot meet the parking requirements may be granted a deviation from the parking requirements by the *CCDC President* upon approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the Land Development Code.

(h) *Structured Parking* Facility Standards

The following standards apply to all *above-grade* parking facilities:

(1) All enclosed ground level parking areas shall be separated from the public sidewalk by habitable residential or non-residential space or utility rooms. The minimum depth of residential space, measured from the exterior building wall to the interior wall separating the habitable space from the parking area, shall be 10 feet.



The minimum depth of commercial space, measured from the exterior building wall to the interior wall separating the commercial space from the parking area, shall be 20 feet.

- (2) All parking located above the ground level shall meet the following standards:
- (A) *Development* located on a site of less than 30,000 square feet does not require encapsulated parking;
  - (B) *Development* located on a site of 30,000 square feet or more shall encapsulate 50 percent of the cumulative *building façades* directly abutting *street frontages* with habitable residential or non-residential uses.
  - (C) Roof-top parking is allowed if all parking spaces, excluding drive aisles, are covered with a roof or trellis *structure*.
  - (D) Parking levels located above the ground level shall be shielded from view by a solid wall or headlight-obscuring *screen* a minimum height of 42 inches, measured from the finished *floor* of the adjoining parking space.
  - (E) Any open areas in the exterior *building façade* of the *structure* shall be designed as an integral component of the overall architecture of the *development*.

- (3) All interior surfaces of a parking *structure* visible from the exterior of the garage shall be painted.
- (4) All duct work or utility functions serving above-*grade* parking facilities shall be *screened* from view.
- (5) All interior lighting fixtures shall be designed so that the light source is not directly visible from the exterior of the garage. Lighting for any roof-top parking levels shall either be wall-mounted or on poles. Any poles shall be a maximum height of 15 feet, located at least 40 feet from any *property line*, and designed so that the light source is shielded from view from any *property line*. Lighting levels shall meet the requirements of the Illuminating Engineers Society's Manual, as amended.
- (6) All parking *structures* open to the sky shall be engineered and circulation designed to accommodate vertical expansion of three additional parking levels or the maximum amount permitted under the *FAR* limits applicable to the site, whichever is less.
- (7) Every vehicular access point to public *structured parking* shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter "P" on a green background. Additional space may be added to the *sign* to indicate whether the *lot* is full or to provide information on prices, ownership, management, hours

of operation, and whether it is private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the *structure*.

(i) Surface Parking *Lot* Standards

Surface parking *lots* are interim land uses and shall be designed according to the following standards:

- (1) For sites with an approved Centre City Development Permit, temporary surface parking *lots* may be approved for a maximum period of two years. The parking *lots* shall be improved with appropriate paving, striping, and security lighting to City standards.
- (2) For sites without an approved Centre City Development Permit or for parking *lots* improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking *lots*:
  - (A) Along all public *street frontages*, a 36 inch high black or green vinyl-coated chain link *fence* is required. The *fence* shall provide pedestrian gaps at intervals of no more than 100 feet.

- (B) Trees shall be planted according to City Landscape Standards for surface parking *lots*, except that all trees shall be planted in 36 inch containers.
- (3) Every vehicular access point to a public parking *structure*, shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter “P” on a green background. Additional space may be added to the cabinet *sign* to indicate whether the *lot* is full, or provide information on prices, ownership, management, hours of operation, and whether it is for private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the parking *lot*.

(j) Off-Site Parking Provisions

*Developments* may provide required *off-street parking spaces* at an off-site location. The off-site location shall be within 500 feet of the *development* served by the parking, measured *property line* to *property line*, and shall be secured by *CC&Rs* recorded on both properties in a form acceptable to the City Attorney’s Office that ensure the parking facility’s use without reduction in spaces in perpetuity (unless another off-site location is secured in compliance with this section).

(k) Parking Space Standards

All parking spaces required by this Division shall meet City standards in accordance with section 142.0560 of the Land Development Code.

Parking spaces provided in excess of the number of spaces required may deviate from the standards, but the final and permanent size of any non-standard spaces for exclusive use by a *dwelling unit* in a residential *development* shall be disclosed to the resident prior to the execution of a sales or rental agreement.

(l) Vehicular Access

(1) [No change in text.]

(2) The maximum linear feet of curb cut for vehicular access shall be calculated at a ratio of 1 linear foot per 500 square feet of site area. Parcels containing 10,000 square feet and less may double this ratio (2 linear feet of curb cut per 500 feet of site area). Curb cuts that serve up to ten parking spaces shall be between 12 and 20 feet wide. Curb cuts that serve over ten parking spaces shall be between 20 and 30 feet wide.

(3) All vehicular access curb cuts shall be located at least 65 feet from the curb line of the closest intersection. Curb cuts on the same parcel must be separated by at least 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 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 curb cuts are permitted on the *streets* designated on Figure E unless driveway access is not feasible on adjacent *streets* due to *lot* size, *lot* configuration, or other significant factors.

(m) Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10 foot required minimum distance from the front *property line*.

- (n) [No change in text.]

(o) *Transportation Demand Management (TDM)*

To reduce single-occupant vehicle trips into the Centre City Planned District, *applicants* for proposed commercial and *hotel development* containing over 50,000 square feet of *gross floor area* shall achieve a minimum of twenty-four points by implementing *TDM* measures contained in Table 156-0313D.

<b>TABLE 156-0313D: TRANSPORTATION DEMAND MANAGEMENT (TDM)</b>	
Points	Measure
10	[No change in text.]
10	[No change in text.]
10	[No change in text.]
6	[No change in text.]
4	[No change in text.]
4	[No change in text.]
4	Preferential carpool or vanpool parking (2 percent of permitted <i>off-street parking</i> space maximum)
2	[No change in text.]
2	[No change in text.]

**§156.0314 Sign Regulations**

(a) *Sign* Regulations

(1) Application

Initial application for a *sign* permit shall be made to *CCDC* in accordance with the requirements of the Land Development Code Chapter 12, Article 9, Division 8 and Chapter 14, Article 2, Division 12.

(2) Provisions

In addition to the requirements of the Land Development Code Chapter 12, Article 9, Division 8 and Chapter 14, Article 2, Division 12, the following provisions apply:

- (A) *Signs*, inflatable displays, or banners shall not be placed on the roof of any *structure*.
- (B) *Signs* (or any part of a *sign*) shall not be located more than 65 feet above the sidewalk, measured from the *street property line* closest to the *sign*.
- (C) Exceptions to the *sign* regulations for a new *sign* on a *historical resource* may be granted through approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the Land Development Code. The *design* and size of such a *sign* shall be consistent with the Secretary of Interior's Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Buildings based on its period of historical significance, as recommended by the Historical Resources Board. Alterations to *signs* that may impact one or more *historical resources* shall be reviewed and approved according to the regulations for *historical resources* contained in Chapters 11 through 14 of the Land



Development Code and may require a Neighborhood Development Permit or Site Development Permit in addition to a Neighborhood Use Permit.

(3) *Logos*

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

- (A) [No change in text.]
- (B) *Logos* may not be located on any two adjacent *building façades*.
- (C) The maximum area of the *logo* is based on building height as described in Table 156-0314A.
- (D) *Logos* without any lettering are not subject to maximum height, only maximum square footage.
- (E) The maximum height of lettering is based on building height as described in Table 156-0314A.

<b>TABLE 156-0314A: LOGOS AND LETTERING</b>		
Building Height (feet)	Logo area (feet)	Lettering Height (feet)
65-125	50	3
126-240	75	4
240+	100	5

(4) Ballpark Mixed-Use District *Signs*

All *development* proposals within the area bounded by J Street, Seventh Avenue, Tenth Avenue, Park Boulevard, and Harbor Drive (including *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto) shall include a comprehensive *sign* plan. All comprehensive *sign* plans for *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto shall be processed in accordance with Process Five.

All other *signs* within the Ballpark Mixed-Use District shall comply with Land Development Code Chapter 14, Article 2, Division 12. *Signs* that do not comply with all the requirements of the Land Development Code may be approved with a comprehensive *sign* plan. All comprehensive *sign* plans (except *sign* plans for *PETCO Park*, *Outfield Park* and *mixed-use development* directly adjacent thereto) within the Ballpark Mixed-Use District, may be approved, conditionally approved, or denied

by *CCDC* in accordance with Process Three and such *sign* plans shall be consistent with the following objectives:

- (A) All *signs* shall be sized to be complementary to, and in scale with, the buildings on which they are placed. The design of the *signs* should reflect and complement the use of the building to the extent possible;
- (B) All *signs* shall be designed to be visible mainly from the immediate neighborhood, with an exception for high-rise building identification *signs*;
- (C) *Signs* shall be designed and placed to be compatible with the theme, visual quality, and overall character of the Ball Park Mixed-Use District and the image of San Diego; and
- (D) *Signs* shall also be appropriately related in size, shape, materials, letters, colors, illumination, and character of the buildings on which they will be displayed, and be compatible with existing adjacent activities so as to not create a visual distraction to *PETCO Park* patrons or other uses.

**§156.0315 Separately Regulated Uses**

(a) Alcohol Beverage Sales

(1) *Bona-fide eating establishments* that have made-to-order food available during all business hours may provide alcoholic beverages on the *premises*, subject to applicable state and local regulations. No additional permit is required.

(2) [No change in text.]

(3) [No change in text.]

(A) All entertainment, as defined by section 33.1502 of the San Diego Municipal Code, must comply with all City of San Diego permits and regulations. If applicable, San Diego Police Department Regulatory Permits shall be obtained;

(B) Sound and amplification equipment shall be monitored during business hours, noise shall not disturb adjacent land uses, and noise shall remain at acceptable levels in accordance with the noise abatement and control regulations of Chapter 5, Article 9.5 of the San Diego Municipal Code; and

- (C) *Applicants* for establishments where live entertainment or dancing is proposed within the same building as, or immediately adjacent to, residential uses, shall provide an acoustical study prepared by a qualified acoustical engineer that evaluates potential impacts to the residential occupants. Based on the results of the acoustical study, appropriate mitigation measures may be required.
- (4) If any of the uses described in 156.0315(a)(2) and (3) are located within a *hotel* or *motel*, are enclosed completely within the building, and are accessed solely through the *hotel* or *motel* lobby area, they shall be permitted by right.
- (5) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-site consumption Conditional Use Permit shall apply:
- (A) and (B) [No change in text.]
- (C) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.

(D) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.

(E) After conducting a public hearing, the *CCDC* Hearing Officer may approve exceptions to 156.0315(a)(5)(C) or (D) upon making the following *findings*:

(i) The request for an exception was provided in the public notice for the hearing; and

(ii) The proposed use and operations are compatible with existing and planned surrounding land uses.

(b) *Living Units.*

*Living unit developments* are permitted in the zones indicated in Table 156-0308A subject to the following regulations:

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

(3) *Kitchen* facilities with at least a *kitchen* sink, garbage disposal, counter top, refrigerator, and microwave oven or cook-top is required in every *living unit*.

(4) [No change in text.]

- (5) Each *living unit* that is not provided with a private shower or bathtub must be served by a shared shower or bathtub. Shared bathing facilities must be provided at a ratio of at least one facility for every five units, or fraction thereof, which lack private bathing facilities. Each shared bathing facility must be on the same *floor* as the units it is intended to serve, must be directly accessible from a common area or hallway, and must have an interior lockable door.
- (6) [No change in text.]
- (7) Each *living unit development* shall include common interior space at a ratio of 50 square feet per *living unit*, with a minimum of 200 square feet per *development* or per individual common interior space if multiple spaces are provided with a single *development*. The indoor space shall be furnished to allow for meetings, indoor recreation (active or passive), or entertainment.
- (8) Each *living unit development* shall contain one *living unit* occupied by a resident manager.
- (9) Each *living unit development* shall contain either:
  - (A) a front desk with a full view of the entry area, staffed 24 hours a day, seven days a week; or
  - (B) an operational outdoor entry intercom system connected to the manager's unit and each *living unit*.

- (10) Parking shall be provided in accordance with section 156.0313. All required parking for the *living unit development* shall be available to residents only.
- (11) Each *living unit* occupancy and rent shall be restricted to those persons with household income at or below 80 percent of area median income as published by the California Department of Housing and Community Development for San Diego County, as adjusted for a one-person household. The *development* owner shall enter into an agreement with the City of San Diego Housing Commission for the review and enforcement of such restrictions.
- (12) [No change in text.]

(c) *Historical Resources*

All *development* proposals that may result in the alteration of an *historical resource*, or any site containing a structure over forty-five years in age, shall be reviewed as provided in Chapters 11 through 14 of the Land Development Code.

(1) Minor Alterations

Minor alterations (as defined in section 143.0250 of the Land Development Code) to a *historical resource* shall be reviewed in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code.



(2) Substantial Alterations

Substantial alterations (as defined in section 143.0250 of the Land Development Code) to a *historical resource* shall be reviewed in accordance with Chapter 14, Article 3, Divisions 2 and 3 of the Land Development Code and all other relevant provisions of the Municipal Code, and shall comply with all *historical resources* mitigation measures listed in Appendix A of the Downtown Community Plan.

(d) *Historical Buildings* Occupied by Uses Not Otherwise Allowed

*Historical buildings* occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit in accordance with Process Three subject to the following regulations:

- (1) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.
- (2) The use of the *historical resource* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.
- (3) The *historical resource* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code.

(4) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the *historical resource* in accordance with Historical Resources Regulations unless the *development* is approved through the Site Development Permit or Neighborhood Development Permit procedures in accordance with Chapters 11 through 14 of the Land Development Code.

(e) *Social Services Institutions* or Homeless Facilities

*Applicants* for a Conditional Use Permit for a *social services institution* or homeless facility may request a modification to the standard *development* regulations found in Chapter 14 of the Land Development Code. Any such request may be granted by the decision maker if at least one of the following *findings* is made:

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

(f) *Reasonable Accommodations*

The requirements of this Article may be waived, modified, or excepted if necessary to afford *disabled persons* equal housing opportunities in accordance with San Diego Municipal Code section 131.0466.

(g) Revocation

A Conditional Use Permit may be revoked in accordance with the permit revocation provisions of Chapter 12, Article 1, Division 3 of the Land Development Code. The permit revocation hearing shall be held at the same decision-making process level as the original Conditional Use Permit.

Section 8. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions.