

ORDINANCE NUMBER O- 21084 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 21 2019

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0304, 156.0306, 156.0307, 156.0309, 156.0310, 156.0313, AND 156.0314, BY REPEALING SECTION 156.0303, AND BY AMENDING FIGURES A, B, C, D, E, F, G, H, J, K, AND L, RELATING TO THE CENTRE CITY PLANNED DISTRICT.

ITEM # 52 C
6/18/19

WHEREAS, since 1992, Civic San Diego, formerly, The Centre City Development Corporation (CCDC), has administered the City's zoning ordinances for the Centre City Planned District (Centre City PDO), Gaslamp Quarter Planned District (Gaslamp PDO), and Marina Planned District (Marina PDO), which are the planned district ordinances for the Downtown Community Plan area; and

WHEREAS, on April 15, 2015, a lawsuit entitled *Murtaza Baxamusa, San Diego County Building & Construction Trades Council, AFL-CIO v. Civic San Diego, City of San Diego*, San Diego Superior Court Case No. 37-2015-00012092-CU-PT-CTL was filed against Civic San Diego and the City of San Diego (Lawsuit); and

WHEREAS, as part of the Settlement Agreement in the Lawsuit in which the City admitted no liability, the City agreed to return all planning and permitting authority from Civic San Diego to the City, including special administrative permits specific to the Downtown area; and

WHEREAS, the City agreed to preserve the separate ordinances for Downtown due to its unique dense urban environment and designation as a National Historic District; and

WHEREAS, as part of the amendments, the Marina PDO will be merged into the Centre City PDO, and the Gaslamp PDO will remain separate due to its historical designation; and

WHEREAS, ~~Ordinances~~ No. 21083, which was considered along with this Ordinance, amends the Downtown Community Plan and the General Plan to merge the Marina PDO area into the Centre City PDO area; and

WHEREAS, as part of the amendments, the Centre City PDO land use process levels will be brought into conformance with Citywide land use process levels without elevating any permit type to a higher process level; and

WHEREAS, the amendments will eliminate the special design review process by the Civic San Diego President and the Civic San Diego Board, and all projects will need to conform to the Downtown Design Guidelines as part of normal staff review process; and

WHEREAS, the matter was set for a public hearing on June 4, 2019, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 156.0302, 156.0304, 156.0306, 156.0307, 156.0309, 156.0310, 156.0313, and 156.0314, by repealing section 156.0303, and by amending Figures A, B, C, D, E, F, G, H, J, K, and L, 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 through Building materials [No change in text.]

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

Commercial streets through Urban open space [No change in text.]

§156.0304 Administration and Permits

(a) Administration

The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District. The City Manager shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.

(b) Permit Required

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

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

- (2) *Tenant improvements* exceeding \$250,000 in value shall include *public improvements* consistent with the Centre City Streetscape Manual.
- (3) 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 (MMRP) listed as Appendix A in the Downtown Community Plan.

(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 as outlined in Chapter 11, Article 2, Division 5 and as 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 a staff person designated by the City Manager pursuant to Section 111.0205, based upon criteria outlined in this Article, the Downtown Community Plan, the Downtown Design Guidelines, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held and a Process One decision may not be appealed except as otherwise set forth in Section 141.0418(c).

(2) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205 and in accordance with Section 112.0503. A public hearing will not be held. An *applicant* or any person who has filed an application for appeal may appeal Process Two decisions in accordance with Section 112.0504.

(3) Process Three

(i) An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer in accordance with Section 112.0505. *Applicants or interested persons* may appeal Process Three decisions in accordance with Section 112.0506.

(ii) *Development* that does not comply with all base zone regulations, all development regulations, requires a variance, or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, shall be processed in accordance with Process Three as set forth in Section 156.0304(c)(3)(i), except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building described in Section 143.0915, it may be permitted with a

Neighborhood Development Permit decided in accordance with Section 126.0603.

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

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

When not otherwise specified in this Article, the following chapters of this Code apply. In case of conflict with any other provisions of this Code, the regulations of this Article shall apply. The Downtown Community Plan, Gaslamp Quarter Planned District Ordinance, and this Article constitute the *Local Coastal Program* for the Downtown Community Plan Area.

Chapter 11 through Chapter 15 [No change in text.]

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance to the design of new *development* and shall be utilized in the permit review processes outlined in Section 156.0304.

Where there is a conflict between the Downtown Design Guidelines and this Article, the regulations of this Article shall govern. The Downtown Design Guidelines are filed in the office of the City Clerk as Document No. RR-307143.

The Downtown Design Guidelines may be amended in one of the following ways:

- (a) Minor amendments to the Downtown Design Guidelines shall be approved by the City Manager and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-307143. Minor amendments include

changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.

- (b) [No change in text.]

§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 156-0308-A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the ground-floor along *street frontages* are provided.

- (a) [No change in text.]

- (b) Overlay Districts

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

- (1) [No change in text.]
- (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 this 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 City Manager prior to issuance of a building permit.

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

(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 Development Services Department.

(6) through (14) [No change in text.]

§156.0309 FAR Regulations and TDRs

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

(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 156-0309-A 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 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)(B)(iv).

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

Table 156-0309-A: *FAR BONUS*

[No change in text.]

- (1) [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 qualify for a *FAR bonus* of 0.5 or 1.0, as specified in Table 156-0309-A, subject to the following criteria:
 - (A) through (B) [No change in text.]
 - (C) *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. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.
- (3) [No change in text.]
- (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 City Manager 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) [No change in text.]

(B) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of the *eco-roof* to City standards, and access by the building occupants to the *eco-roof*. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

(C) [No change in text.]

(5) [No change in text.]

(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 the City Manager and the City Attorney's Office.

(7) [No change in text.]

(8) Green Building. The Centre City Green (CCG) Building Incentive Program awards *development* incentives for buildings that exceed the California Green Building Standards Code (CALGreen). Two different paths to earn an *FAR bonus* are available to *applicants* as follows:

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

(D) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a *FAR Bonus*. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office.

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

(G) *LEED*[®] Certification Performance Guarantee.

Applicants requesting an *FAR Bonus* who propose to utilize the *Performance Path* through *LEED*[®] certification shall, prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee approved by the City Manager and the City Attorney's Office to ensure that the *applicant* completes the *LEED*[®] certification for the *development* as proposed to obtain an *FAR Bonus* under this Section.

LEED[®] certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a *LEED*[®] Silver or Gold (or higher) level of

performance. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the value which would be required to purchase an equivalent amount of *FAR* under the *FAR* Payment Bonus Program, including any subsequent amendments in effect at the time of the *development* permit application. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*[®] rating as proposed under this Section.

If the *applicant* fails to submit a timely report or demonstrate *LEED*[®] certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the *FAR Bonus* Fund established under the *FAR* Payment Bonus Program. The amount of payment shall be calculated according to the following formula:

$$P = FAR \$ \times ((LCP - CPE) / LCP)$$

P = the payment amount which shall be paid to the *FAR Bonus* Fund

FAR \$ = the amount of money which would be required to purchase *FAR* under the *FAR* Payment Bonus Program

LCP = *LEED*[®] Certification Points needed to achieve the proposed *LEED*[®] certification level (Silver or Gold)

CPE = *LEED*[®] Certification Points actually earned by the *development* as certified by the USGBC

All funds provided by the *applicant* for the *LEED*[®] certification surety, deposit, or other suitable guarantee that are not paid to the *FAR Bonus* Fund shall be refunded to the *applicant*. In the event that the *applicant* submits a timely report and demonstrates the necessary level of *LEED*[®] certification for the *applicant's* desired *FAR Bonus*, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the *applicant*.

(f) Exemptions from *FAR* Calculations

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

- (1) [No change in text.]
- (2) Public Uses. If a *development* incorporates a building or portion of a building that is owned by the City of San Diego 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 City Manager, 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 the City Manager.

- (4) [No change in text.]
- (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 City Manager, 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 (TDR) Program*

- (1) [No change in text.]
- (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) [No change in text.]
 - (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 the City Manager verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.

The City Manager has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion to approve a transfer of *gross floor area* to a *TDR* bank to be maintained and tracked by the City.

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) [No change in text.]
- (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 City Manager on behalf of the City.

The City 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) through (6) [No change in text.]

(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) [No change in text.]

(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 City Manager.

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

(B) Approval by the City Manager. The City Manager shall not execute the *certificate of transfer* if a transfer of the *gross floor area* would be prohibited by any provision of this 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 the City Manager, with copies to both the transferor and transferee of the *gross floor area*.

(D) [No change in text.]

(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 City Manager 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) [No change in text.]

(b) **Minimum Building *Setbacks***. The City Manager 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) through (h) [No change in text.]

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

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

(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) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the City Manager 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 City Manager 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) through (5) [No change in text.]

(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 City Manager upon approval of a Neighborhood

Use Permit in accordance with Chapter 12, Article 6, Division 2 of this Code.

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

(n) *Centre City* Cumulative Trip Generation Rates

Centre City Trip Generation Rates are as specified in the City of San Diego Land Development Manual, Appendix N.

(o) [No change in text.]

§156.0314 Sign Regulations

(a) *Sign* Regulations

(1) Application

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

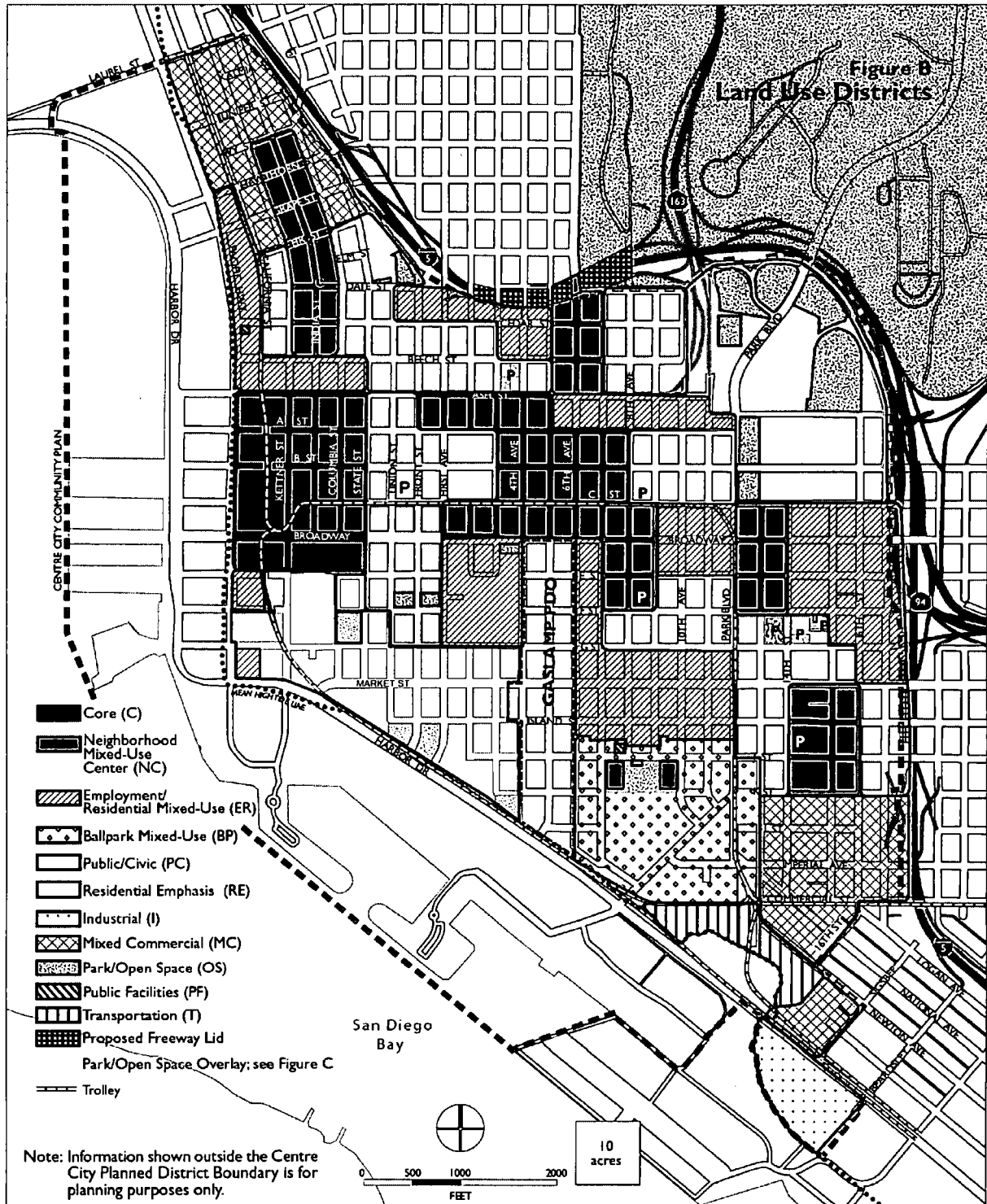
(2) through (3) [No change in text.]

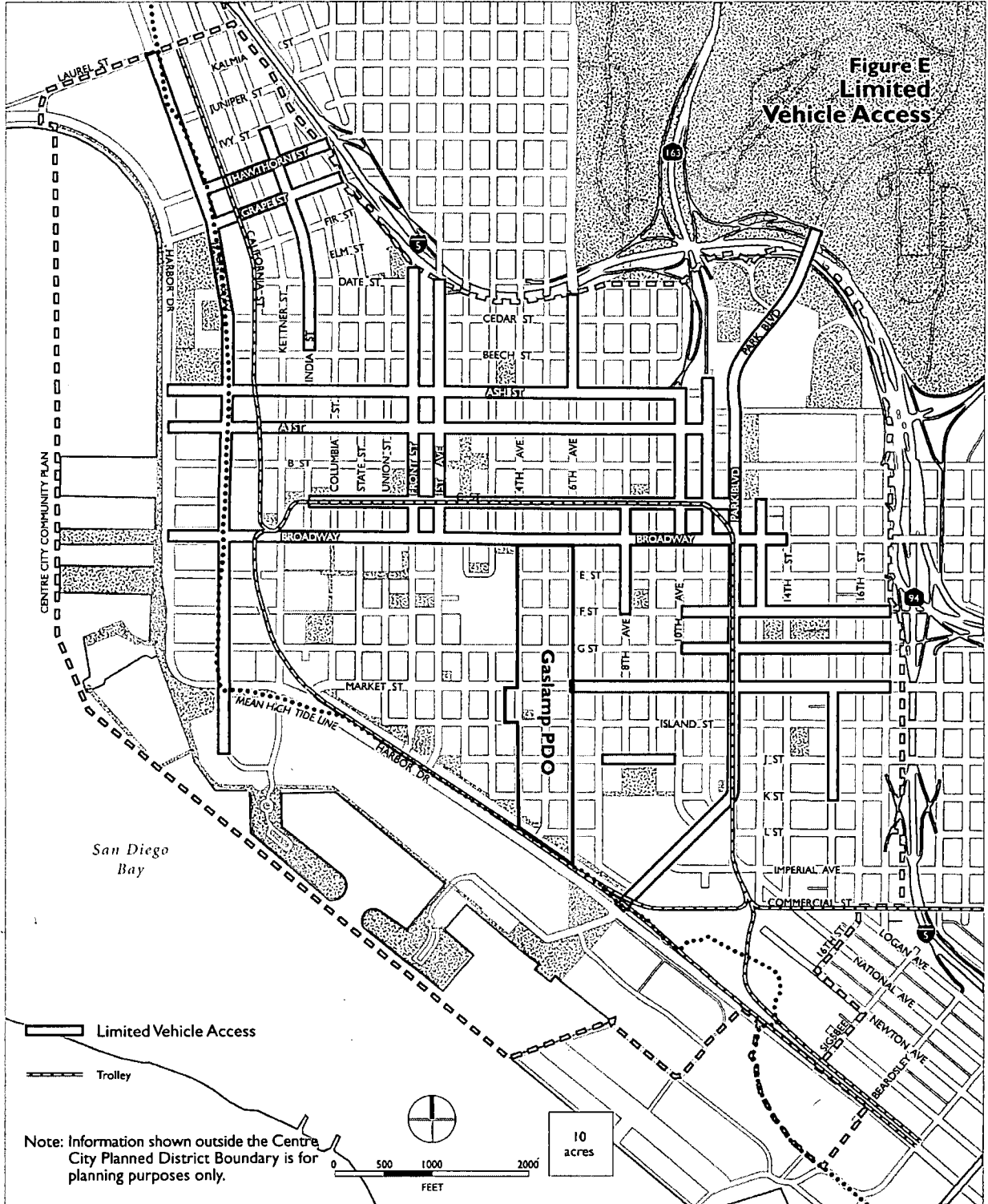
(4) Ballpark Mixed-Use District *Signs*

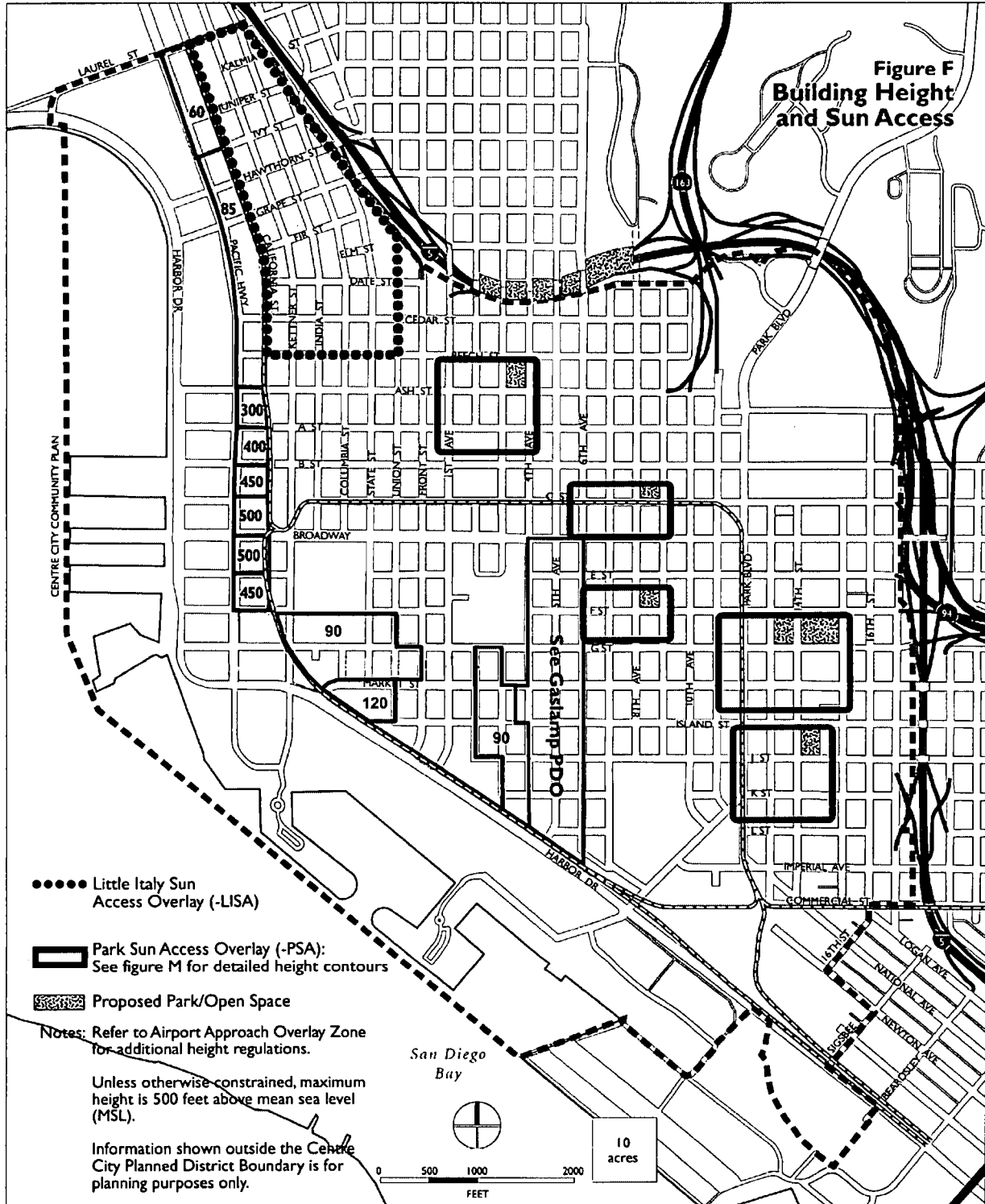
All *development* proposals within the area bounded by J Street, Seventh Avenue, Tenth Avenue, Park Boulevard, and Harbor Drive (including *PETCO Park*, *Outfield Park*, and *mixed-use developments* directly adjacent thereto) shall include a comprehensive *sign* plan. All comprehensive *sign* plans for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

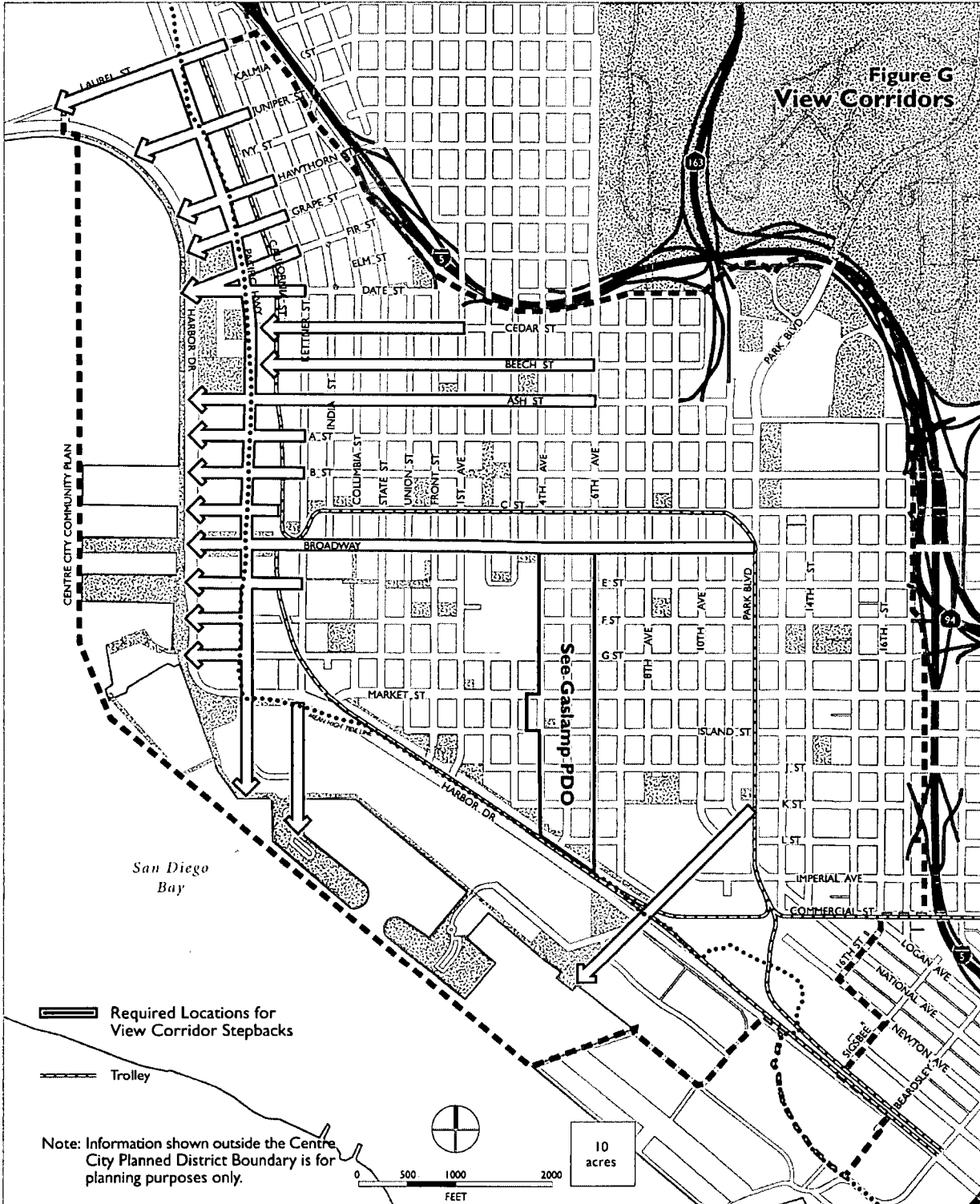
All other *signs* within the Ballpark Mixed-Use District shall comply with Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the requirements of the Land Development Code may be approved with a comprehensive *sign* plan. All comprehensive *sign* plans (except *sign* 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 a Hearing Officer in accordance with Section 112.0505 (Process Three) and such *sign* plans shall be consistent with the following objectives:

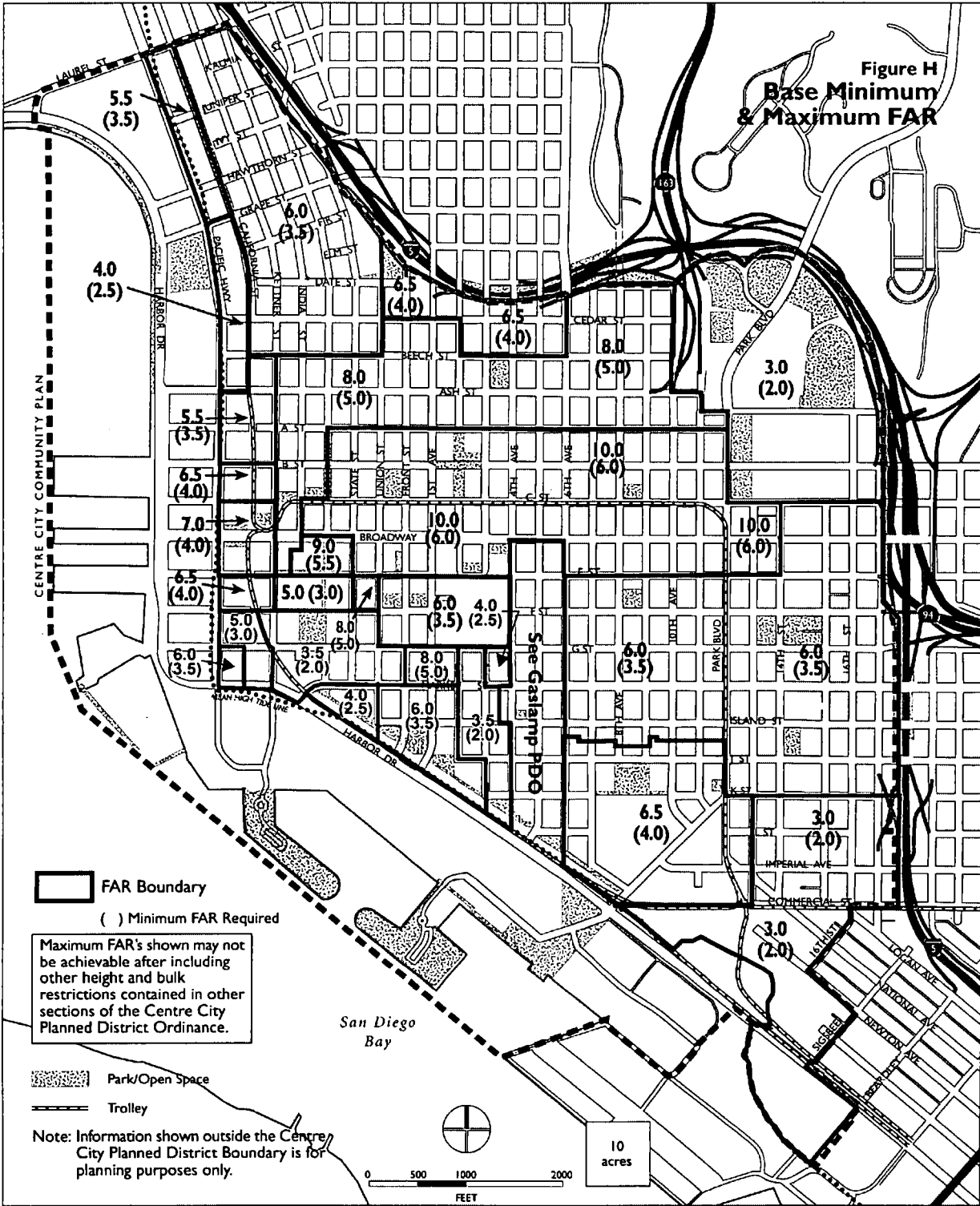
(A) through (D) [No change in text.]

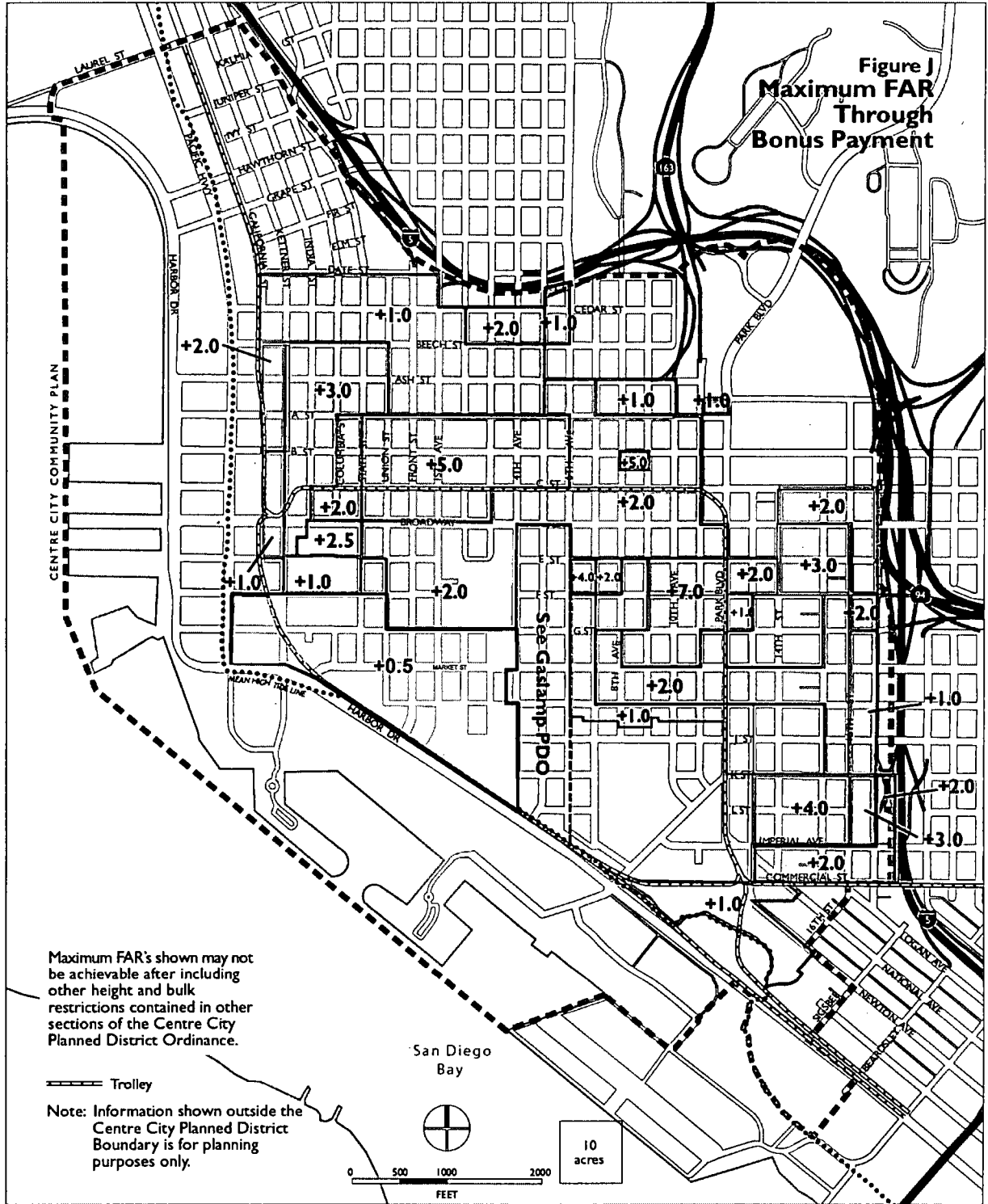


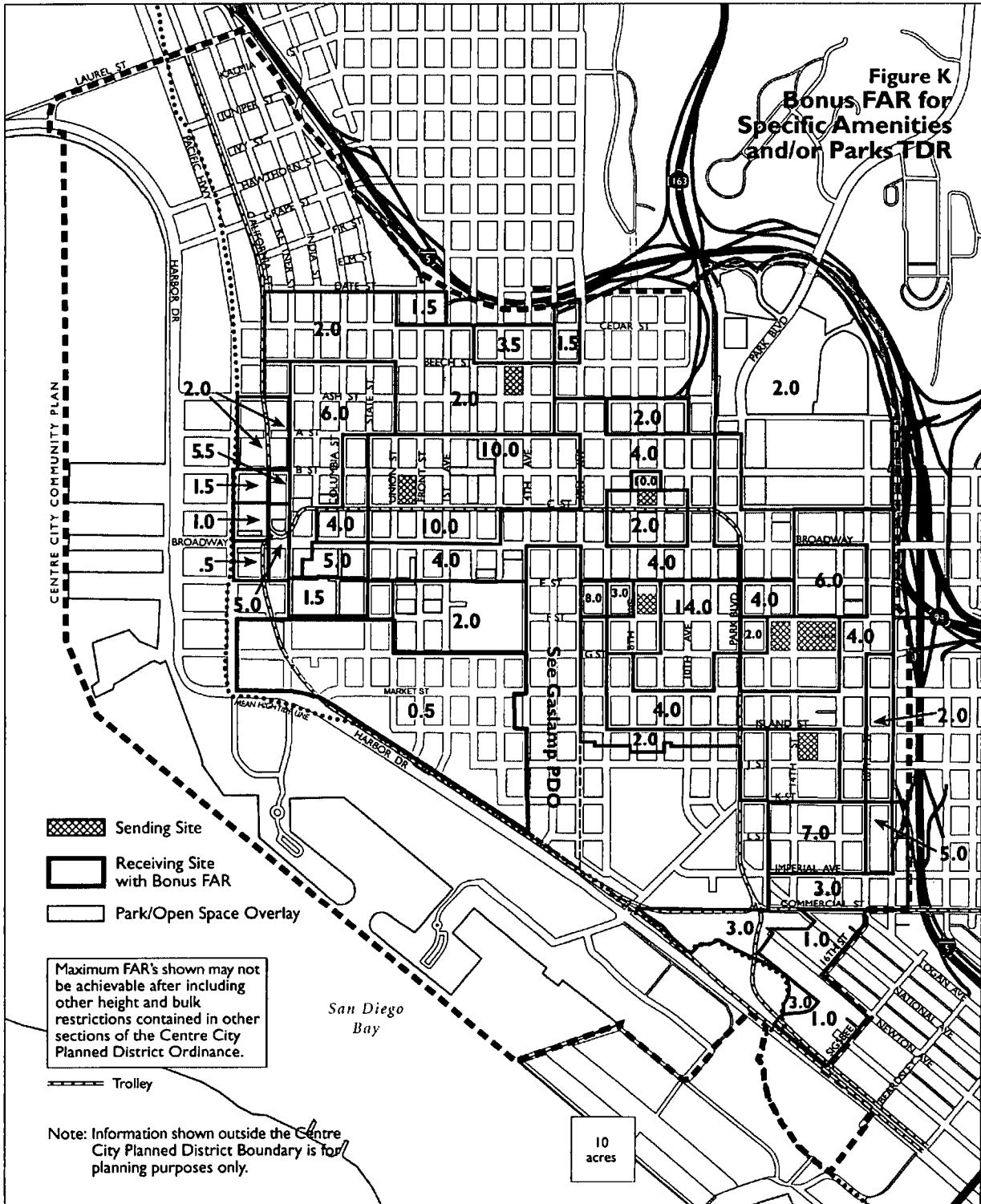


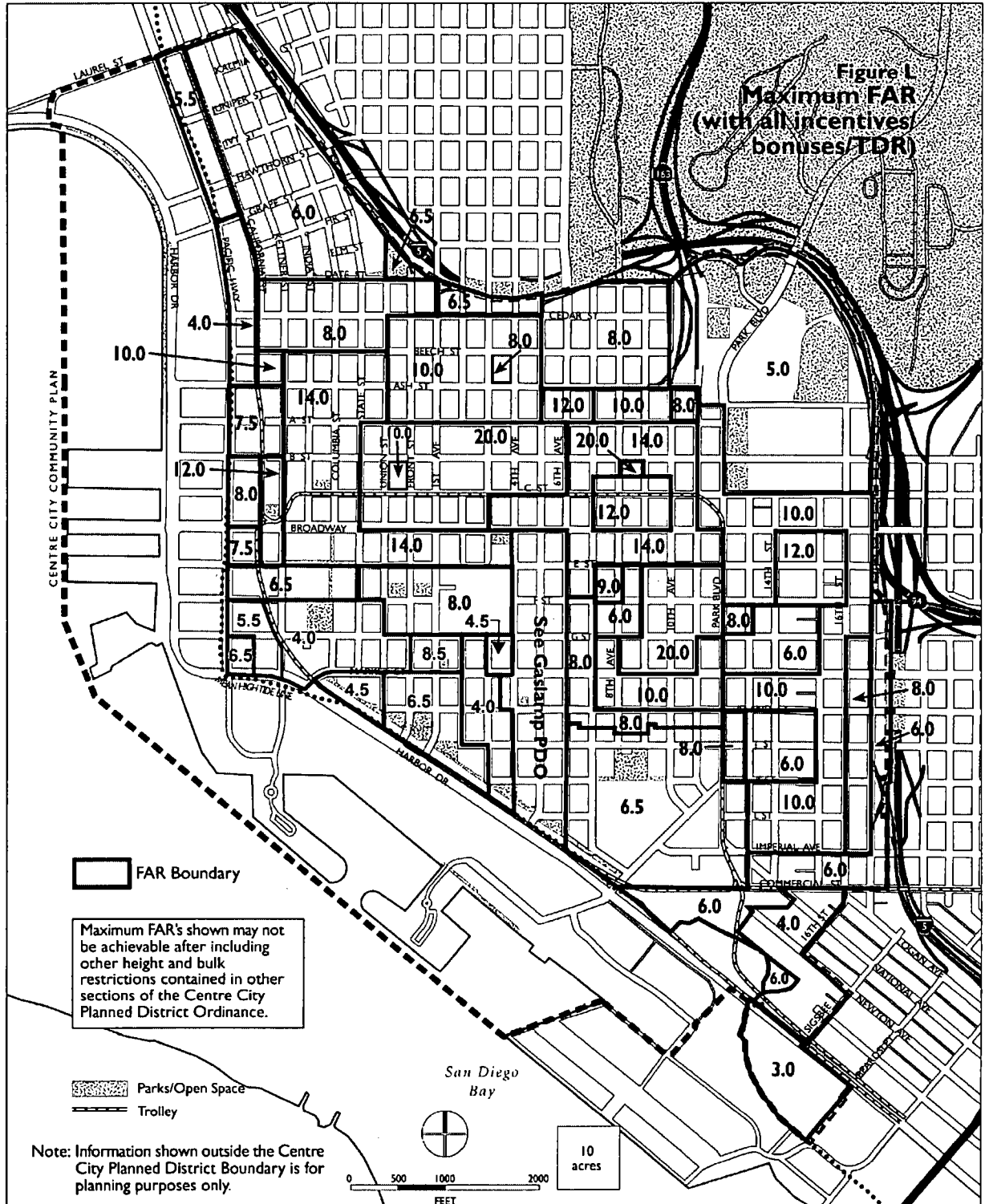












Section 2. That, notwithstanding San Diego Municipal Code sections 111.0107 and 112.0509, which provides for a Planning Commission hearing or recommendation prior to

certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this Ordinance.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (Airport), this Ordinance shall take effect on the thirtieth day from and after the finding of consistency, on the thirtieth day from and after its final passage, or the date that ~~o-~~ 21083 adopting the Downtown Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance as amended 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 as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for the Airport, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for the Airport, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or

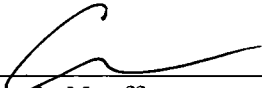
the date that **o- 21083** adopting the Downtown Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airport. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, or the date that **o- 21083** adopting the Downtown Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance as amended 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 as a local coastal program amendment.

Section 5. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

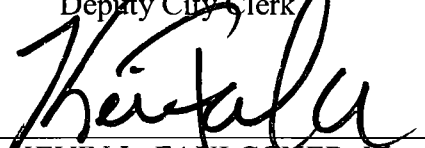
CLN:als
05/17/2019
Or.Dept:Planning Dept.
Doc. No.: 1793733_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 18 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/21/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

ITEM # 52C

DATE OF FINAL PASSAGE _____

6/18/19

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0304, 156.0306, 156.0307, 156.0309, 156.0310, 156.0313, AND 156.0314, BY REPEALING SECTION 156.0303, AND BY AMENDING FIGURES A, B, C, D, E, F, G, H, J, K, AND L, RELATING TO THE CENTRE CITY PLANNED DISTRICT.

§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 through *Building materials* [No change in text.]

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

Civic San Diego means ~~the non-profit public corporation exercising its duties and responsibilities under a consultant agreement with the City of San Diego.~~

Civic San Diego Board means ~~the Board of Directors of Civic San Diego.~~

Civic San Diego President means the President of *Civic San Diego* or the President's designees.

Commercial streets through Urban open space [No change in text.]

§156.0303 ~~Centre City Land Development Manual~~

- (a) ~~*Civic San Diego* 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 (*Civic San Diego* Land Development Manual).~~
- (b) ~~The *Civic San Diego* Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The *Civic San Diego* Land Development Manual may be amended in one of the following ways:~~
 - (1) ~~Minor amendments shall be approved by the *Civic San Diego* President after considering public comments according to the process established in the *Civic San Diego* Land Development Manual. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.~~
 - (2) ~~Major amendments to the *Civic San Diego* 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 156.0303(b)(1).

- (c) ~~A copy of the *Civic San Diego* Land Development Manual shall be on file in the *Civic San Diego* offices.~~
- (d) ~~The *Civic San Diego* Land Development Manual includes, but is not limited to, the following:~~
 - (1) ~~User's Guide;~~
 - (2) ~~Centre City Development Permit Application Submittal Requirements;~~
 - (3) ~~Centre City Streetscape Manual;~~
 - (4) ~~Centre City Trip Generation Rates; and,~~
 - (5) ~~Presentation Requirements for Design Review Meetings~~

§156.0304 Administration and Permits

- (a) Administration
~~*Civic San Diego*~~ The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District. ~~The *Civic San Diego*~~ President City Manager shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Design Guidelines, the Downtown Community Plan, ~~*Civic San Diego* Land Development Manual~~, the Centre City Streetscape Manual, and any policies or guidelines adopted by the

City of San Diego 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 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)~~(1) 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)~~(2) *Tenant improvements* exceeding \$250,000 in value shall ~~include install~~ public improvements consistent with the Centre City Streetscape Manual.

(3) 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 (MMRP) listed as Appendix A in the Downtown Community Plan.

(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 as outlined in Chapter 11, Article 2, Division 5 and as 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 Civic San Diego President~~ a staff person designated by the City Manager pursuant to Section 111.0205, based upon criteria outlined in this Article, the Downtown Community Plan, ~~Civic San Diego Land Development Manual~~, the Downtown Design Guidelines, the Centre City Streetscape Manual, and any policies or guidelines adopted by requirements of the City of San Diego to implement the

Downtown Community Plan. A public hearing will not be held and a Process One decision may not be appealed except as otherwise set forth in Section 141.0418(c).

(2) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by a staff person designated by the Civic San Diego President City Manager pursuant to Section 111.0205 and in accordance with Section 112.0503. A public hearing will not be held. An *applicant* or any person who has filed an application for appeal may appeal Process Two decisions in accordance with Section 112.0504, ~~but Process Two appeals shall be considered by the Civic San Diego Board in lieu of the Planning Commission.~~

(3) Process Three

(i) An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by ~~the Civic San Diego~~ a Hearing Officer in accordance with Section 112.0505. *Applicants* or *interested persons* may appeal Process Three decisions in accordance with Section 112.0506, ~~but Process Three appeals shall~~

~~be considered by the *Civic San Diego Board* in lieu of the Planning Commission.~~

- (ii) ~~Process Three Conditional Use Permits and Variances associated with a *development* requiring *Design Review* by the *Civic San Diego Board* under Section 156.0304(e)(1)(B) shall be considered by the *Civic San Diego Board* in lieu of the *Civic San Diego Hearing Officer*. The *Civic San Diego Board's* decision shall be final. Process Three Planned Development Permits shall be processed in accordance with Section 156.0304(f).~~

Development that does not comply with all base zone regulations, all development regulations, requires a variance, or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, shall be processed in accordance with Process Three as set forth in Section 156.0304(c)(3)(i), except that if the *development* is affordable housing, an in-fill project, and/or a sustainable building described in Section 143.0915, it may be permitted with a Neighborhood Development Permit decided in accordance with Section 126.0603.

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

(d) ~~Existing *Development Approvals*~~

~~Previously approved *development permits* shall remain valid under the approved permit terms and conditions unless the approved permits expire pursuant to Section 126.0108 of this Code.~~

~~Where a *DDA* or *OPA* has been executed with the former *Redevelopment Agency* prior to May 3, 2006, *development permits* may be reviewed and issued according to the regulations and laws in effect at the time of former *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 May 3, 2006, 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 *Civic San Diego 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 *Civic San Diego* shall be processed and entitled~~

~~pursuant to the regulations and laws in effect on the date the application is determined complete.~~

(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 Civic San Diego President shall conduct an administrative review of the development in accordance with Process One. The decision of the Civic San Diego President is final. If the development requires Design Review under Section 156.0304(e)(1)(B), then the Civic San Diego President shall not issue the permit until the development has received final Design Review approval.~~

(B) ~~Design Review. The Civic San Diego 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 Civic San Diego President
in accordance with Process One.~~

- (ii) ~~Development with at least 100,000 square feet of gross floor area, at least 50 dwelling units, or 85 feet in height or above shall be reviewed and approved by the Civic San Diego Board. The Downtown Community Planning Council, or other official community planning group recognized by the City Council, shall also review the development and make a recommendation to the Civic San Diego Board.~~
- (iii) ~~Development requiring Community Redevelopment Funds shall also be reviewed and approved by the City Council, which shall have the final Design Review approval authority for such development.~~
- (iv) ~~The Civic San Diego Board and Downtown Community Planning Council or other official community planning group recognized by the City Council, 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 notice on the site in accordance with Section 112.0304 of the Land Development Code.~~
 - (ii) ~~Development proposals requiring Design Review approval by the Civic San Diego Board or approval by the City Council shall be noticed in accordance with Section 112.0302. 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 Planned District Ordinance, Civic San Diego Land Development Manual, San Diego Municipal Code, and all other adopted plans or policies of the City of San Diego pertaining to the Centre City Planned District.~~
- (E) ~~Permit Issuance. If the Civic San Diego President approves a Centre City Development Permit, the application shall be referred to the City of San Diego for any other action as necessary. Denial of any Centre City Development Permit requires the Civic San Diego President to issue written findings of non-conformance with the provisions of this Article, the Downtown Community Plan, or other applicable plans, policies, or guidelines adopted to implement the Downtown Community~~
- (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 126.0111 of the Land Development Code Plan.

(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.~~

- (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 to the Civic San Diego President, upon request.~~
- (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) ~~Centre City Planned Development Permit Process~~

~~The purpose of a Centre City Planned Development Permit is to provide flexibility in the application of *development* regulations for projects where strict application of the *development* regulations would restrict design options and result in a less desirable project. Centre City Planned Development Permits shall be processed as follows:~~

- ~~(1) Decision Process. Centre City Planned Development Permits may be approved, conditionally approved, or denied in accordance with Process Three. The *Civic San Diego Board* shall serve as the decision maker for Process Three Centre City Planned Development Permits. The decision of the *Civic San Diego Board* may be appealed to the Planning Commission as specified in Chapter 12, Article 6, Division 5 of this Code.~~
- ~~(2) Findings for a Planned Development Permit
 - ~~(i) The proposed *development* will not adversely affect the applicable *land use plan*;~~
 - ~~(ii) The proposed *development* will not be detrimental to the public health, safety and welfare;~~
 - ~~(iii) The proposed *development* will comply with the regulations of this Division, except for any proposed deviations which are appropriate for this location and will result in a more desirable project~~~~

than would be achieved if designed in conformance with the strict regulations of this Division; and

- (iv) The development is consistent with the Downtown Design Guidelines and exhibits superior architectural design.

(g) Revocation

~~If the *Civic San Diego President* determines there has been a violation of the terms of a permit issued pursuant to this division, the *Civic San Diego President* may issue a notice of intent to revoke. The notice of intent to revoke shall inform the permit or approval holder of the violation(s) and provide a reasonable time for compliance. If the holder of the permit or approval fails to correct the violation(s) outlined in the notice of intent to revoke within the specified period of time, the *Civic San Diego President* may schedule a hearing to revoke or modify the permit or approval. Permit and approval revocation proceedings shall be conducted in accordance with the procedures set forth in Chapter 12, Article 1 of this Code. Revocation or modification of an approval of the *Civic San Diego President* or *development permit* shall be in addition to any other remedies set forth in Chapter 12, Article 1 of this Code.~~

(h) 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~~

~~(MMRP) listed as Appendix A in the Downtown Community Plan.~~

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

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

Chapter 11 through Chapter 15 [No change in text.]

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance to the design of new *development* and shall be utilized in the permit review processes outlined in Section ~~156.0304(e)(1)(A) and (B) and Section 156.0304(f)~~.

Where there is a conflict between the Downtown Design Guidelines and this Article, the regulations of this Article shall govern. The Downtown Design Guidelines are filed in the office of the City Clerk as Document No. RR-307143.

The Downtown Design Guidelines may be amended in one of the following ways:

(a) Minor amendments to the Downtown Design Guidelines shall be approved by the ~~Civic San Diego President~~ City Manager and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-307143. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.

(b) [No change in text.]

§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 156-0308-A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the *ground-floor* along *street frontages* are provided.

(a) [No change in text.]

(b) Overlay Districts

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

(1) [No change in text.]

(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 this 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 ~~Civic San Diego President~~ and the City Manager prior to issuance of a building permit.

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

(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 ~~Civic San Diego offices~~ Development Services Department.

(6) through (14) [No change in text.]

§156.0309 FAR Regulations and TDRs

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

(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 156-0309-A 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 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)(B)(iv). The public benefits and *development* amenities that may earn a *FAR bonus* are the following:

Table 156-0309-A: FAR BONUS

[No change in text.]

(1) [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 qualify for a *FAR bonus* of 0.5

or 1.0, as specified in Table 156-0309-A, subject to the following criteria:

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

(C) *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. These provisions of the *CC&Rs* shall be approved by the *Civic San Diego President* City Manager and the City Attorney's Office.

(3) [No change in text.]

(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 *Civic San Diego President* City Manager 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) [No change in text.]

(B) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of the *eco-roof* to City standards, and access by the building occupants to the *eco-roof*. These provisions of the *CC&Rs* shall be approved by the ~~*Civic San Diego*~~ President City Manager and the City Attorney's Office.

(C) [No change in text.]

(5) [No change in text.]

(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 ~~*Civic San Diego*~~ and the City of San Diego the City Manager and the City Attorney's Office.

(7) [No change in text.]

(8) Green Building. The Centre City Green (CCG) Building Incentive Program awards *development* incentives for buildings that exceed the California Green Building Standards Code (CALGreen). Two different paths to earn an *FAR bonus* are available to *applicants* as follows:

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

(D) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a *FAR Bonus*. These provisions of the *CC&Rs* shall be approved by the ~~*Civic San Diego President*~~ City Manager and the City Attorney's Office.

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

(G) *LEED*[®] Certification Performance Guarantee.
Applicants requesting an *FAR Bonus* who propose to utilize the *Performance Path* through *LEED*[®] certification shall, prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee approved by the ~~*Civic San Diego President*~~ City Manager and the City Attorney's Office to ensure that the *applicant* completes the *LEED*[®] certification for the *development* as proposed to obtain an *FAR Bonus* under this Section.

LEED[®] certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a *LEED*[®] Silver or Gold (or higher) level of performance. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the value which would

be required to purchase an equivalent amount of *FAR* under the *FAR* Payment Bonus Program, including any subsequent amendments in effect at the time of the *development* permit application.

Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*[®] rating as proposed under this Section.

If the *applicant* fails to submit a timely report or demonstrate *LEED*[®] certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the *FAR Bonus* Fund established under the *FAR* Payment Bonus Program. The amount of payment shall be calculated according to the following formula:

$$P = FAR \$ \times ((LCP - CPE) / LCP)$$

P = the payment amount which shall be paid to the *FAR Bonus* Fund

FAR \$ = the amount of money which would be required to purchase *FAR* under the *FAR* Payment Bonus Program

LCP = *LEED*[®] Certification Points needed to
achieve the proposed *LEED*[®] certification
level (Silver or Gold)

CPE = *LEED*[®] Certification Points actually earned
by the *development* as certified by the
USGBC

All funds provided by the *applicant* for the *LEED*[®]
certification surety, deposit, or other suitable
guarantee that are not paid to the *FAR Bonus* Fund
shall be refunded to the *applicant*. In the event that
the *applicant* submits a timely report and
demonstrates the necessary level of *LEED*[®]
certification for the *applicant's* desired *FAR Bonus*,
the entire amount of the surety, deposit, or other
suitable guarantee shall be refunded to the
applicant.

(f) Exemptions from *FAR* Calculations

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

- (1) [No change in text.]
- (2) Public Uses. If a *development* incorporates a building or
portion of a building that is owned by the City of San
Diego 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 ~~Civic San Diego President~~ City Manager, 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 ~~Civic San Diego and the City of San Diego~~ the City Manager.

- (4) [No change in text.]

- (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 ~~Civic San Diego President~~ City Manager, 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 (TDR) Program*

- (1) [No change in text.]
- (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) [No change in text.]
- (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 the ~~Civic San Diego President~~ City Manager verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.

The ~~Civic San Diego President~~ City Manager has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion, ~~upon recommendation from Civic San Diego,~~ to approve a transfer of *gross floor area* to a *TDR bank* to be maintained and tracked by the ~~Civic San Diego President~~ on behalf of the City.

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) [No change in text.]
- (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 ~~Civic~~ *San Diego President City Manager* on behalf of the City. The City 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) through (6) [No change in text.]
- (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) [No change in text.]
 - (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 ~~Civie San Diego~~ President City Manager.
 - (iii) through (iv) [No change in text.]
- (B) Approval by ~~Civie San Diego President~~ the City Manager. The ~~Civie San Diego President~~ City Manager shall not execute the *certificate of transfer* if a transfer of the *gross floor area* would be prohibited by any provision of this 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 ~~Civic San Diego~~ the City Manager, with copies to both the transferor and transferee of the gross floor area.

(D) [No change in text.]

(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 ~~*Civic San Diego President*~~ City Manager 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) [No change in text.]

(b) Minimum Building *Setbacks*. The ~~*Civic San Diego President*~~ City Manager 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) through (h) [No change in text.]

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

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

(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) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the ~~*Civie-San Diego President*~~ City Manager 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 ~~*Civie-San Diego President*~~ City Manager 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) through (5) [No change in text.]

(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 ~~Civic San Diego President~~
City Manager upon approval of a Neighborhood Use Permit in
accordance with Chapter 12, Article 6, Division 2 of this Code.

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

(n) *Centre City* Cumulative Trip Generation Rates

Centre City Trip Generation Rates are as specified in the ~~Civic San~~
~~Diego Land Development Manual~~ and City of San Diego Land
Development Manual, Appendix N.

(o) [No change in text.]

§156.0314 Sign Regulations

(a) *Sign* Regulations

(1) Application

Initial application for a *sign* permit shall be made to ~~Civic~~
~~San Diego~~ the City Manager in accordance with the
requirements of Chapter 12, Article 9, Division 8 and
Chapter 14, Article 2, Division 12 of this Code.

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

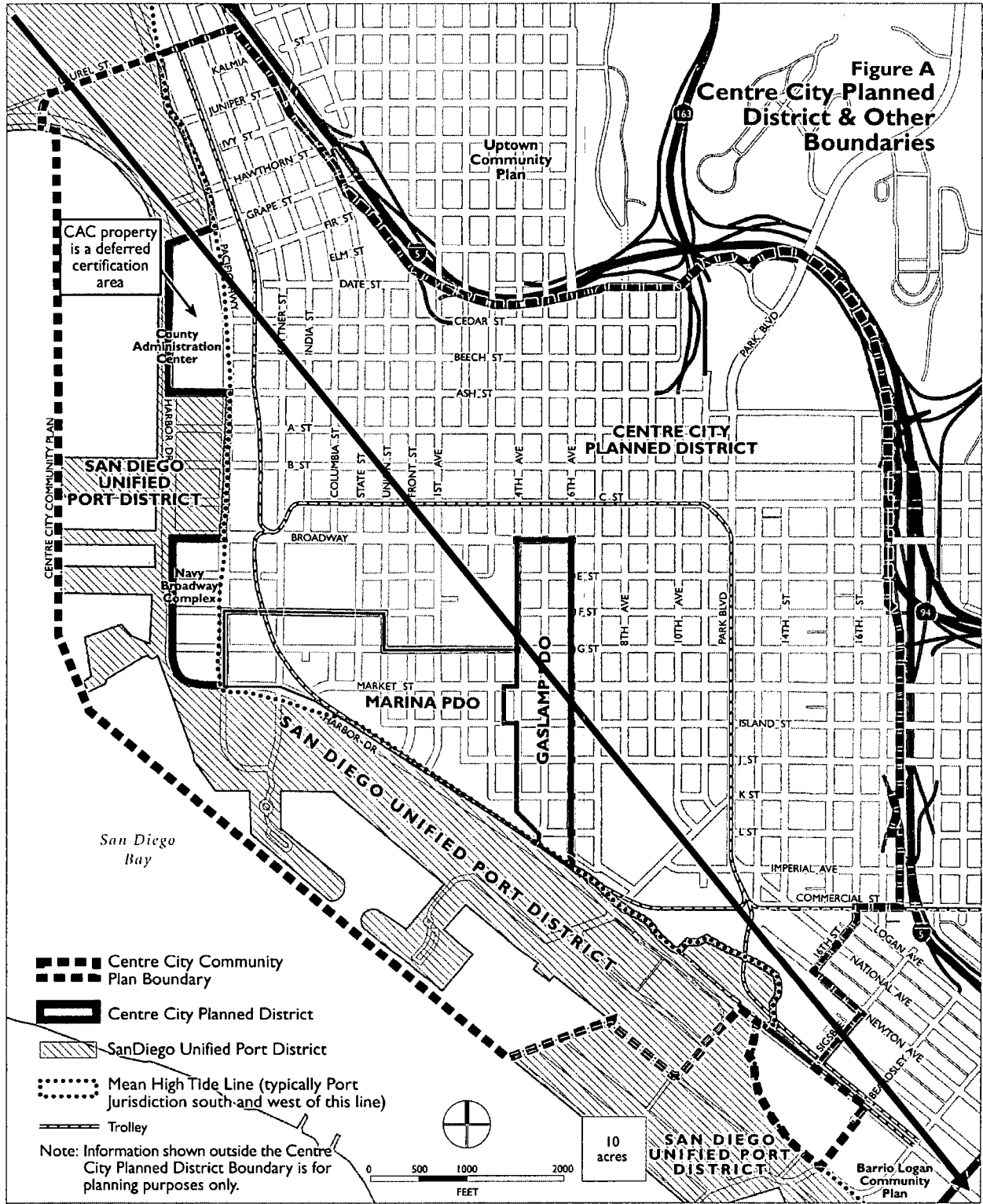
(4) Ballpark Mixed-Use District *Signs*

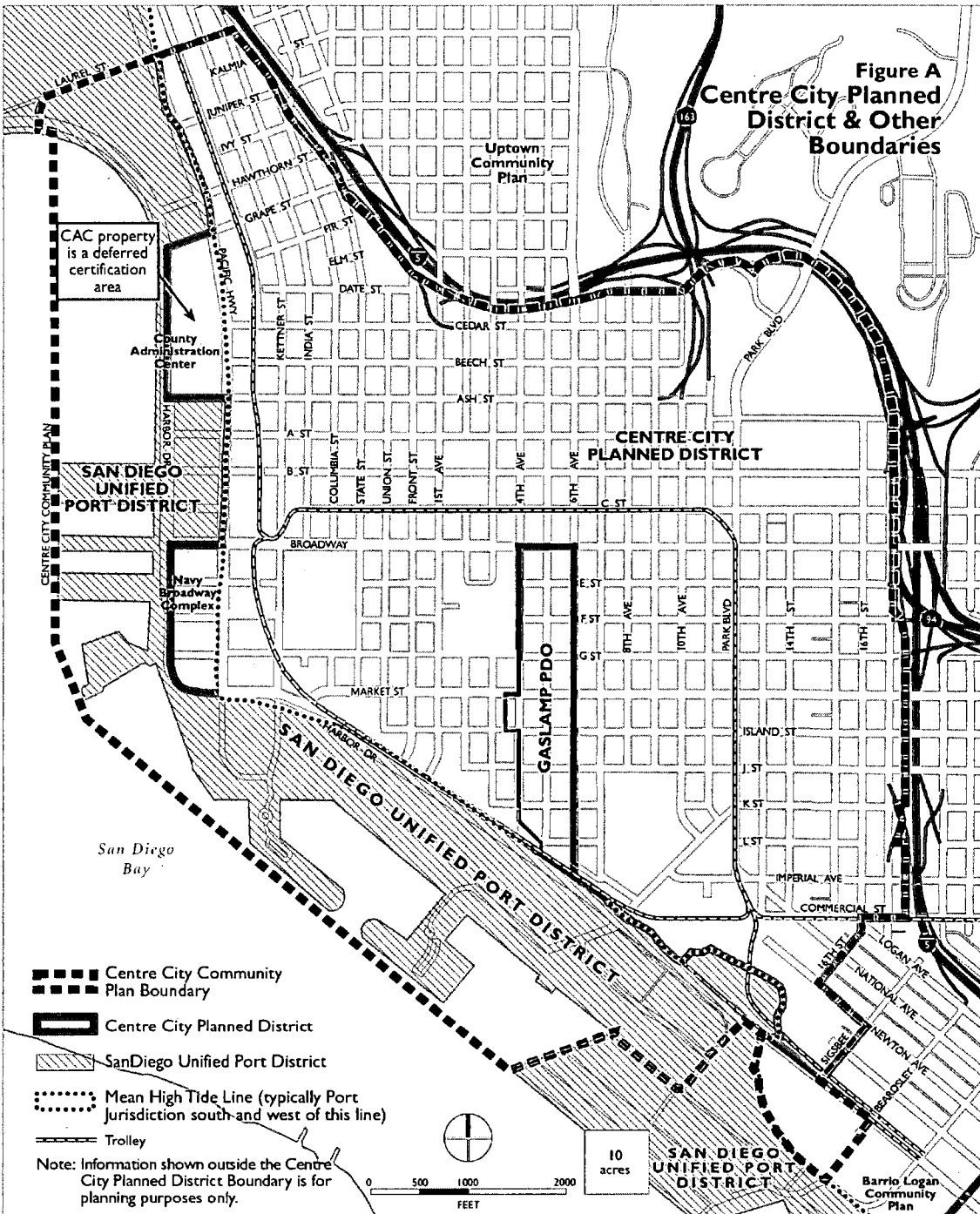
All *development* proposals within the area bounded by J
Street, Seventh Avenue, Tenth Avenue, Park Boulevard,
and Harbor Drive (including *PETCO Park*, *Outfield Park*,
and *mixed-use developments* directly adjacent thereto) shall
include a comprehensive *sign* plan. All comprehensive *sign*
plans for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

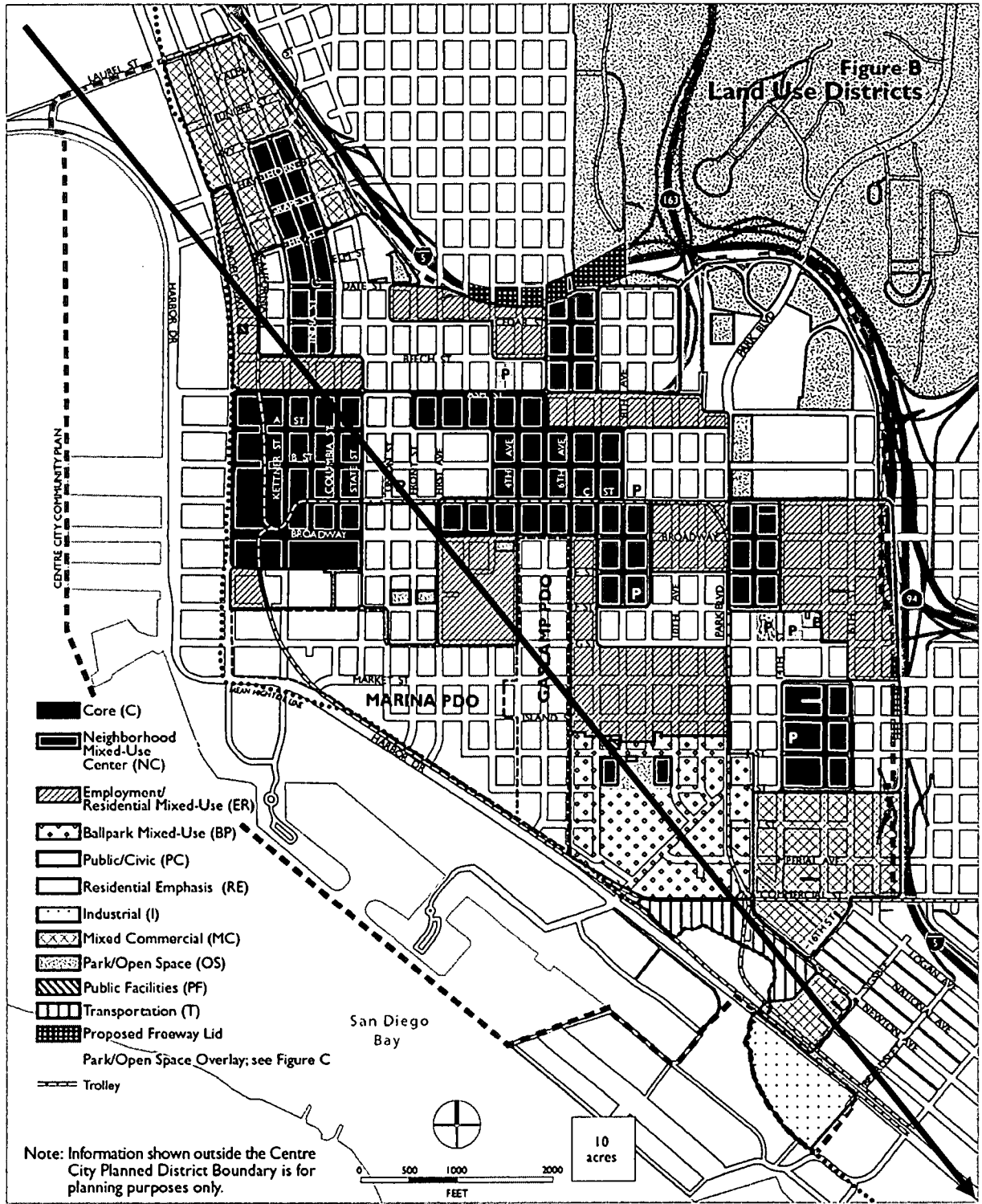
developments directly adjacent thereto shall be processed in accordance with Process Five.

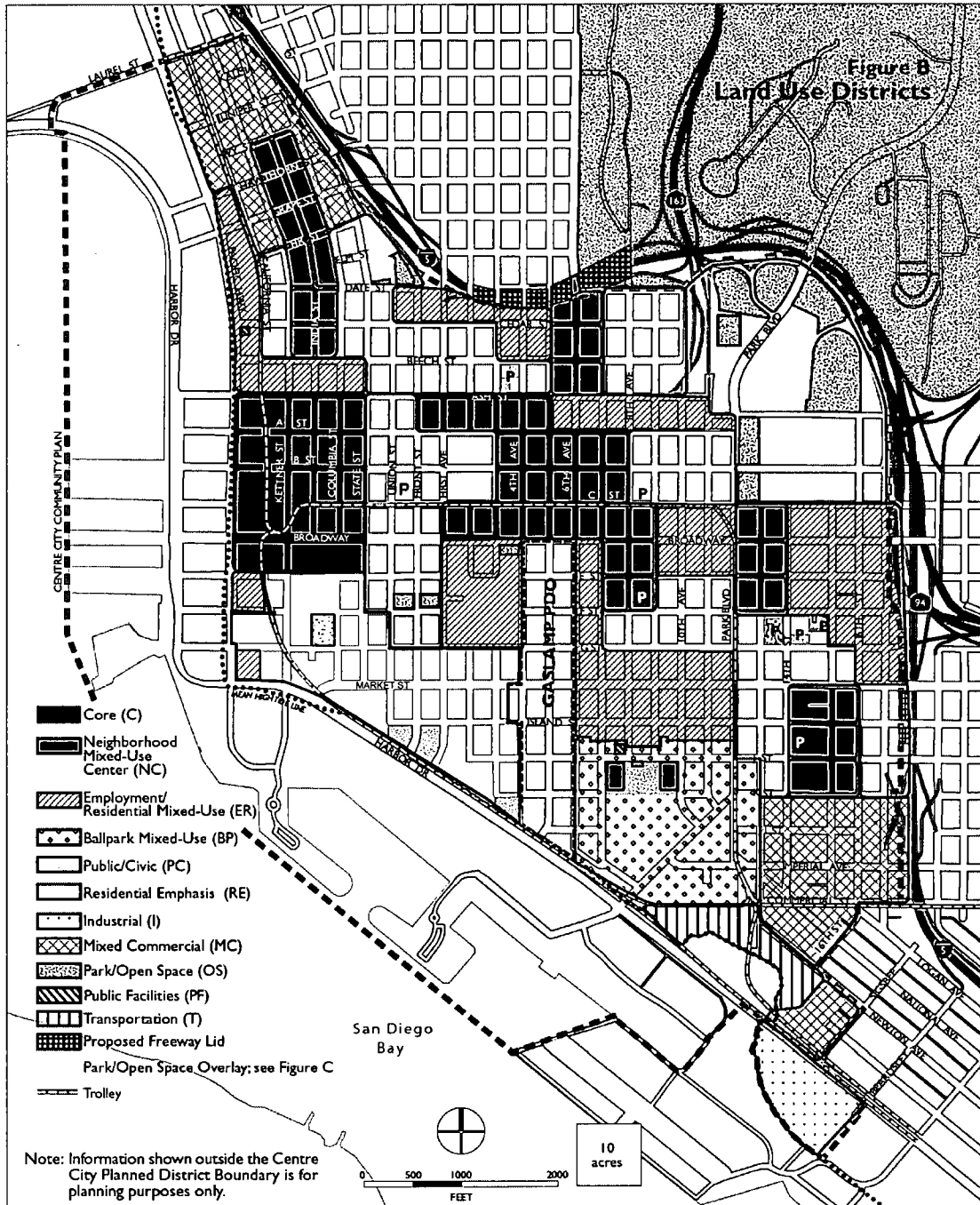
All other *signs* within the Ballpark Mixed-Use District shall comply with Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the requirements of the Land Development Code may be approved with a comprehensive *sign* plan. All comprehensive *sign* plans (except *sign* 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 ~~Civic San Diego~~ a Hearing Officer in accordance with Section 112.0505 (Process Three) and such *sign* plans shall be consistent with the following objectives:

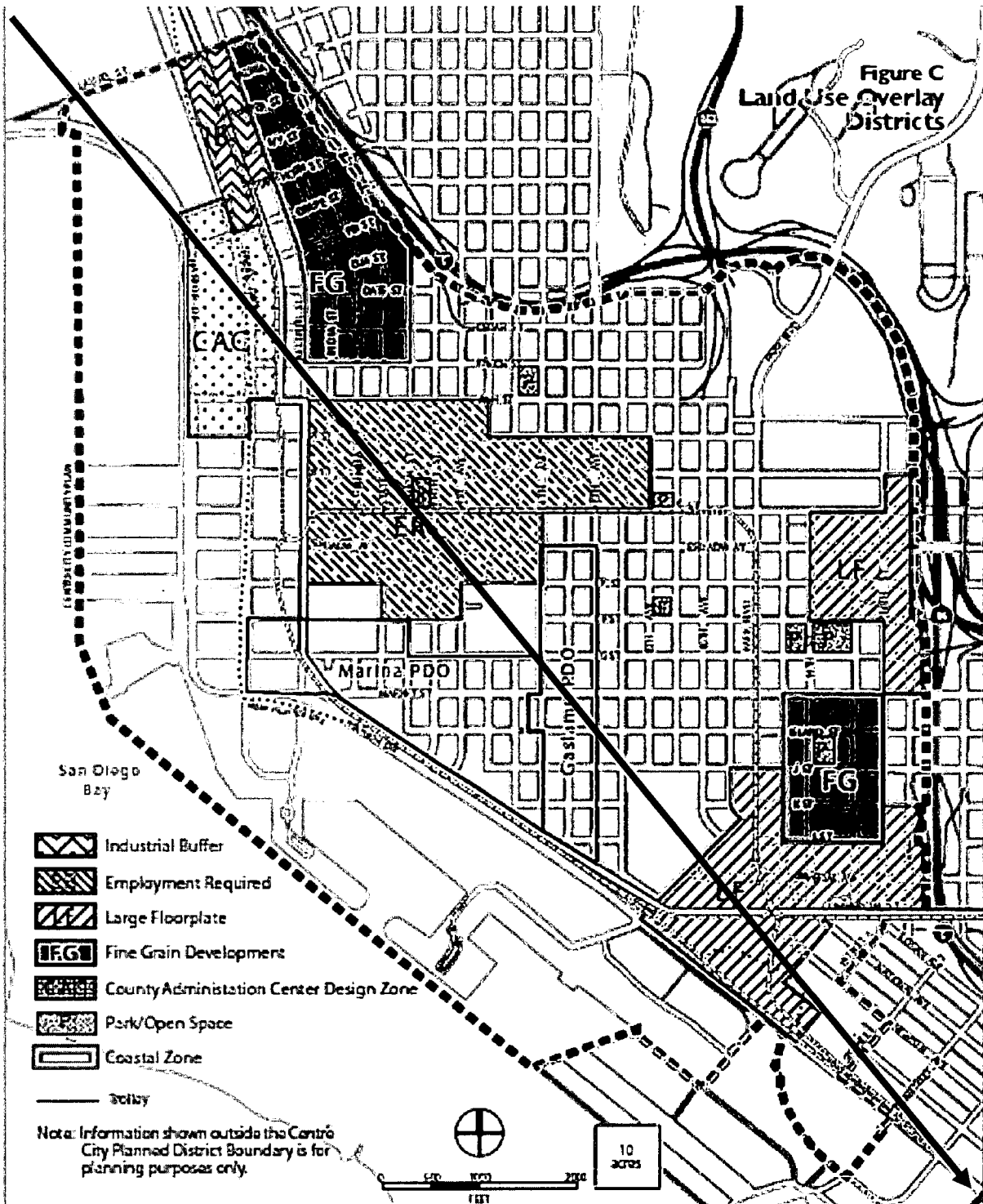
(A) through (D) [No change in text.]

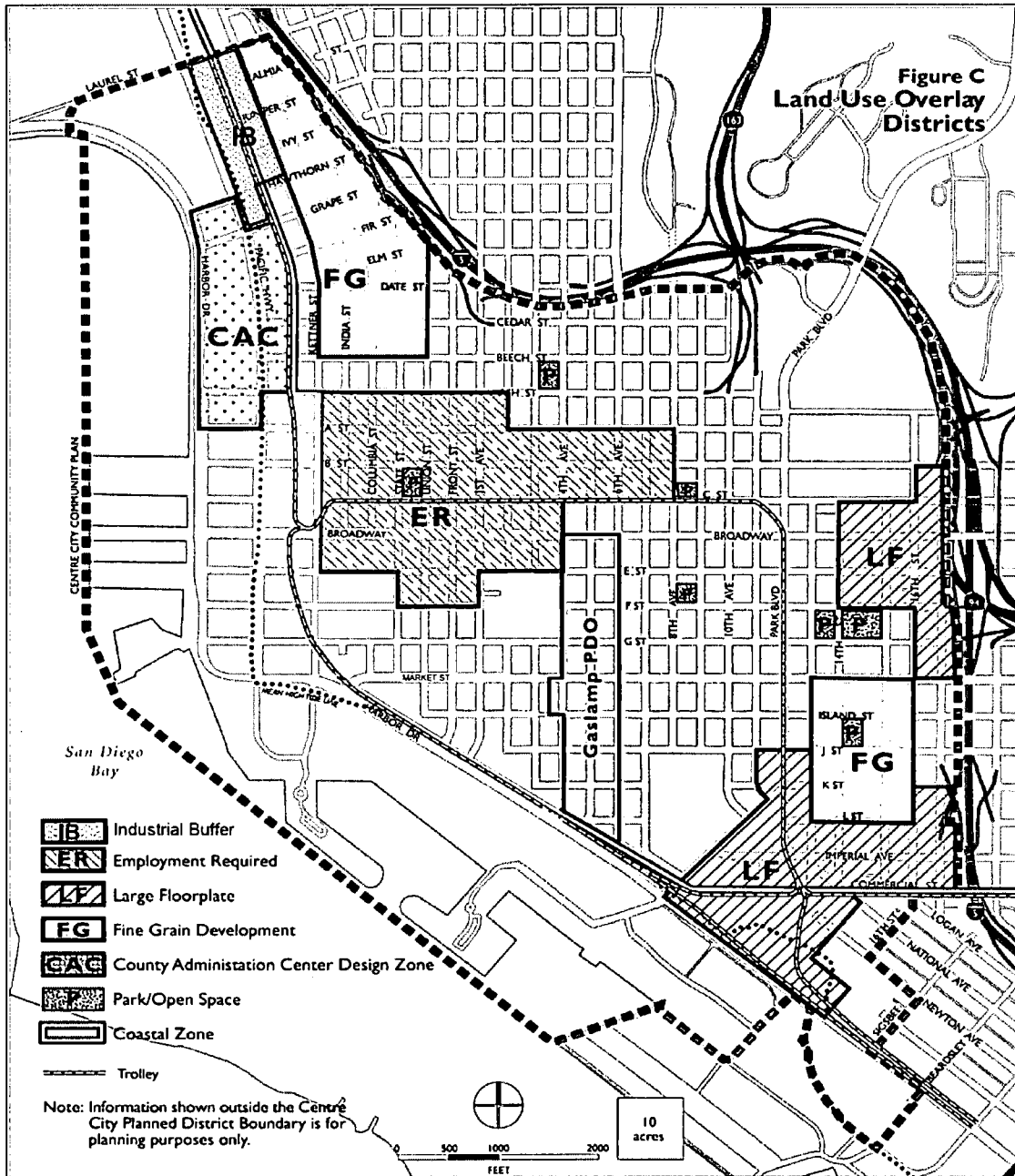


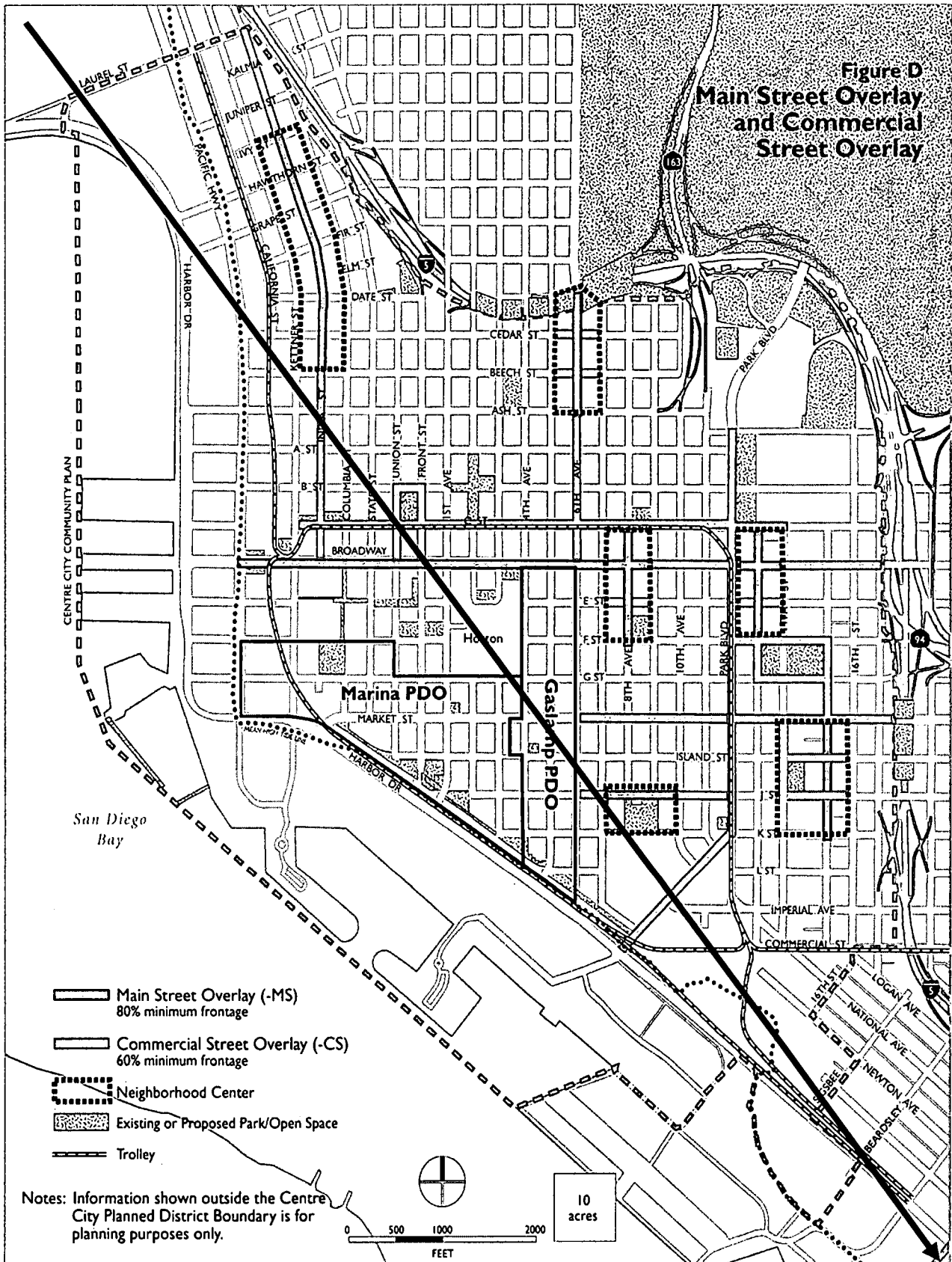


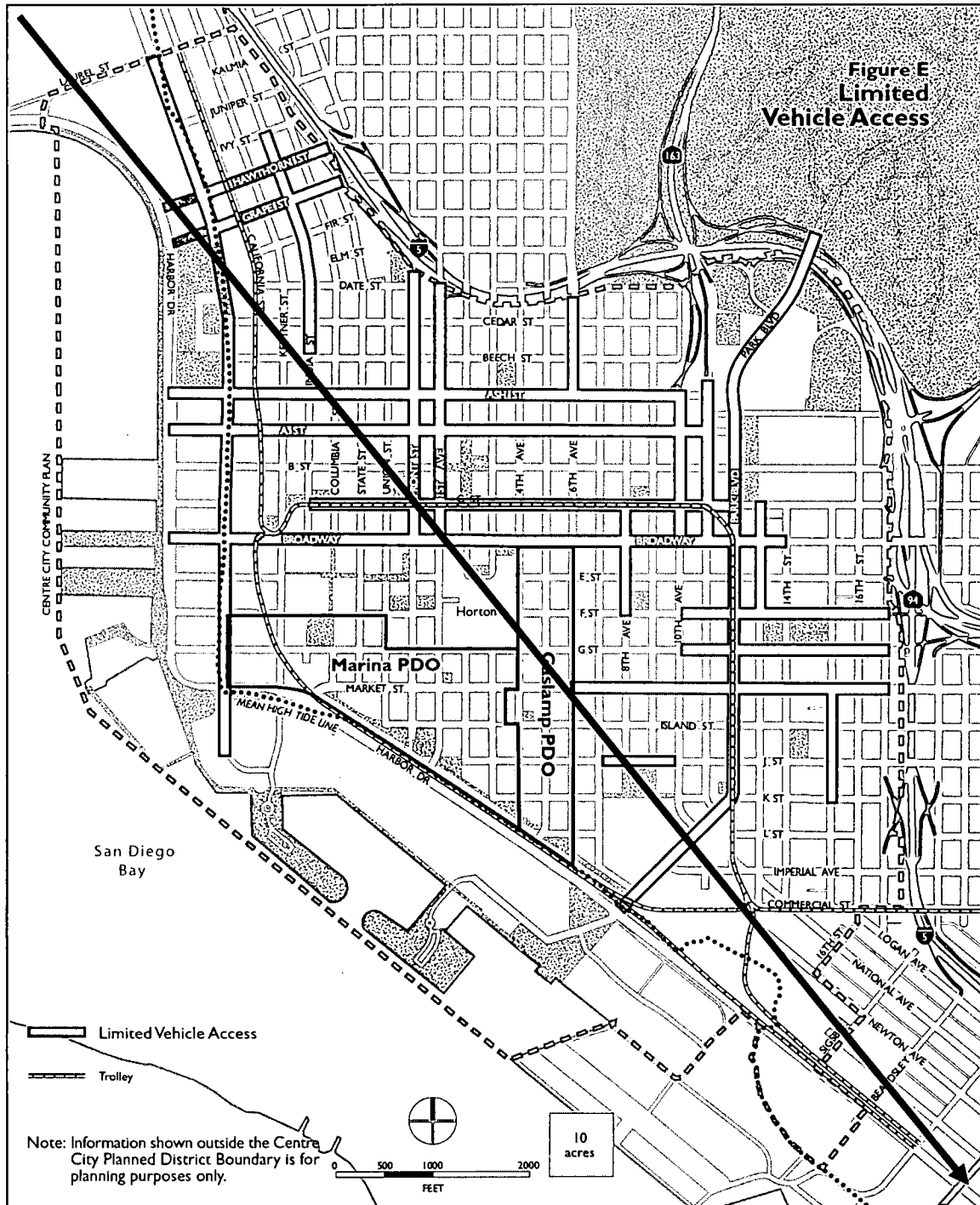


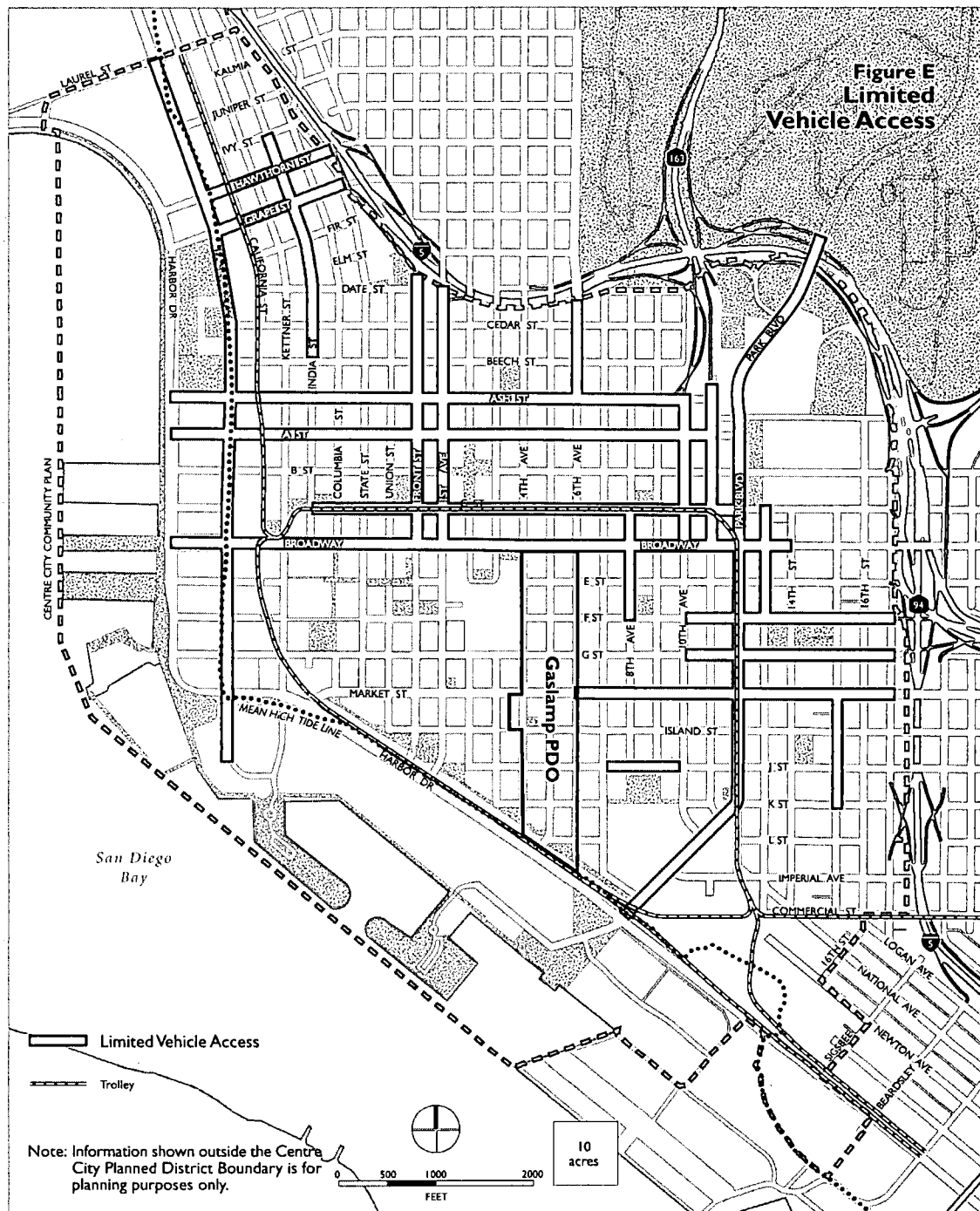


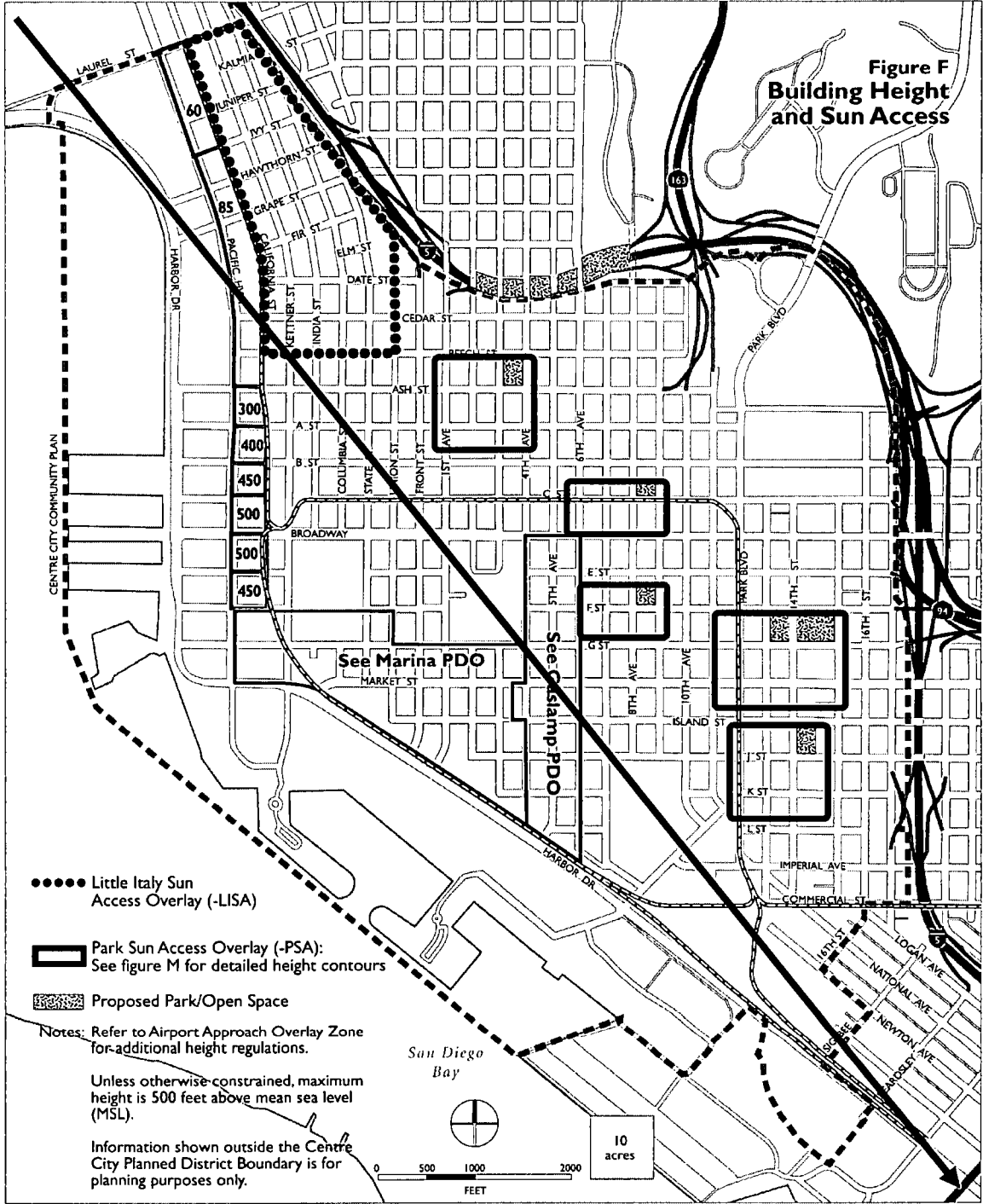


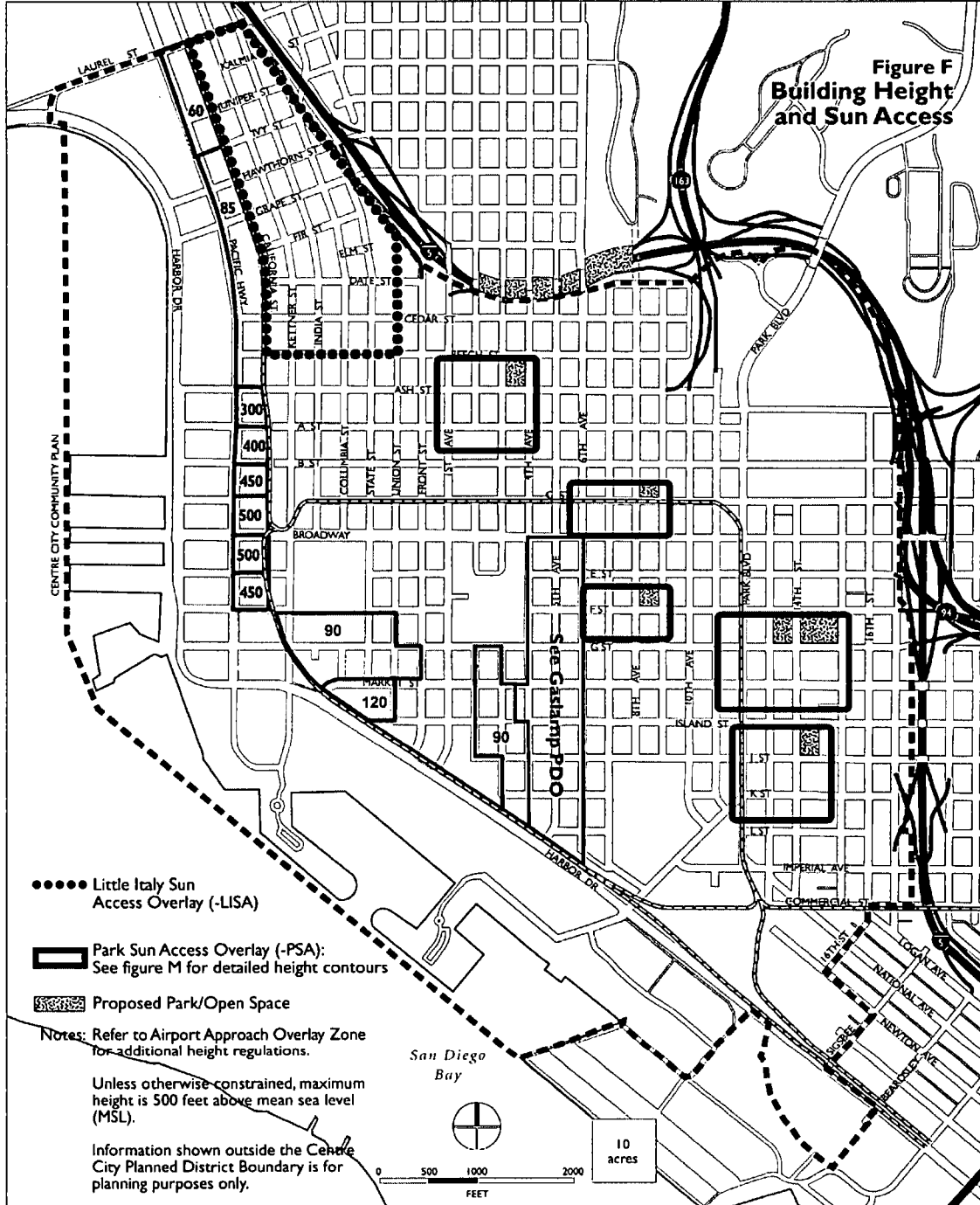


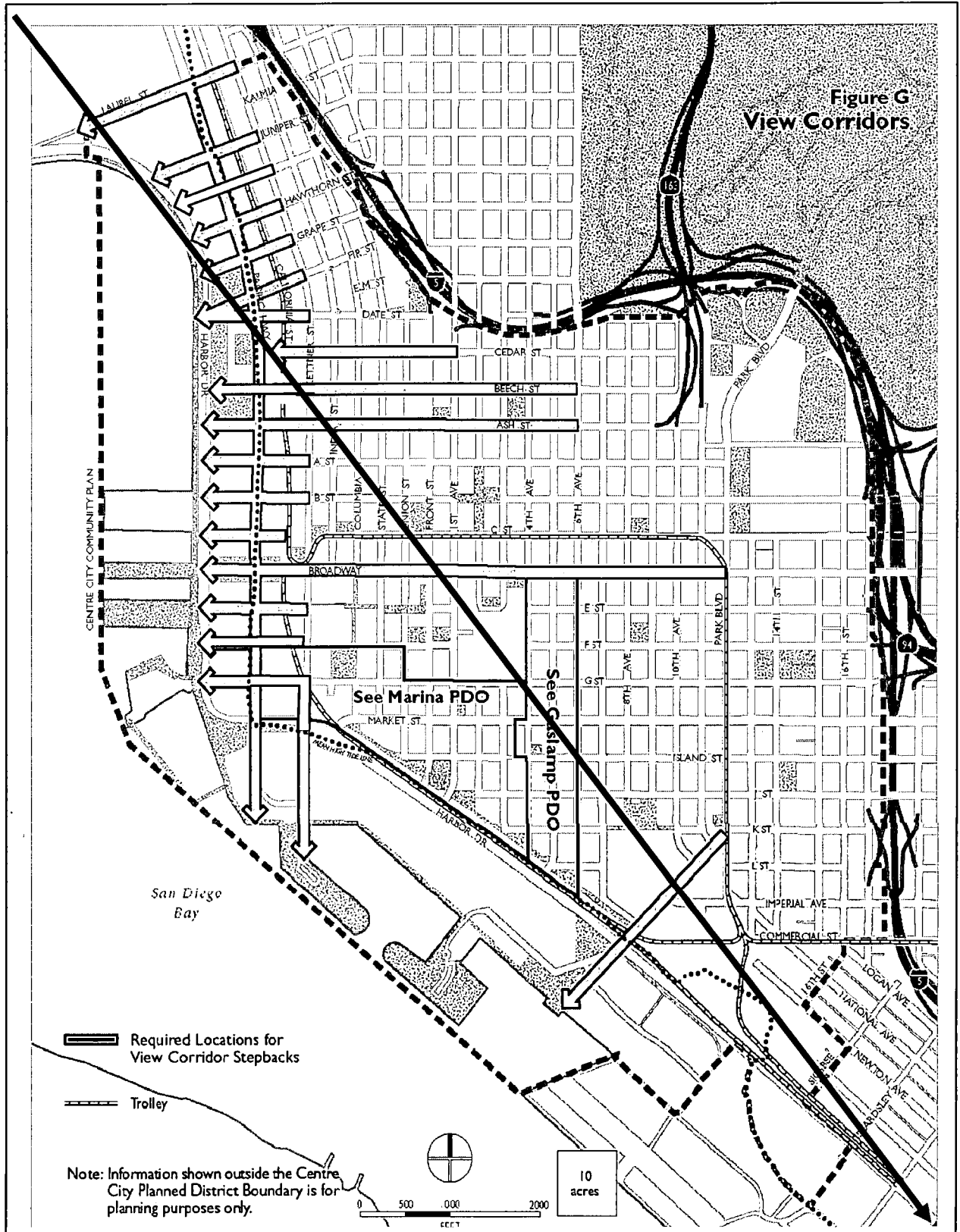


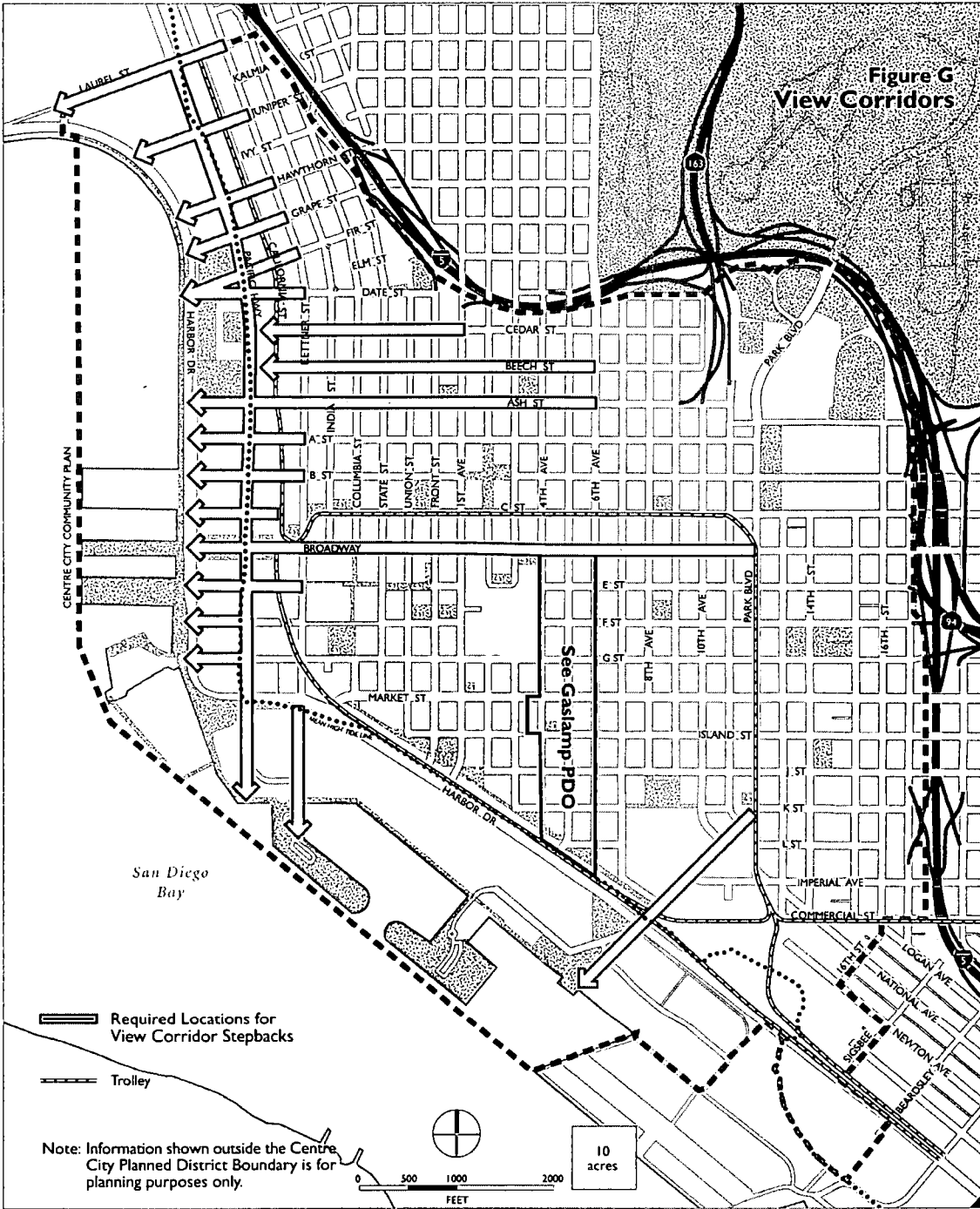


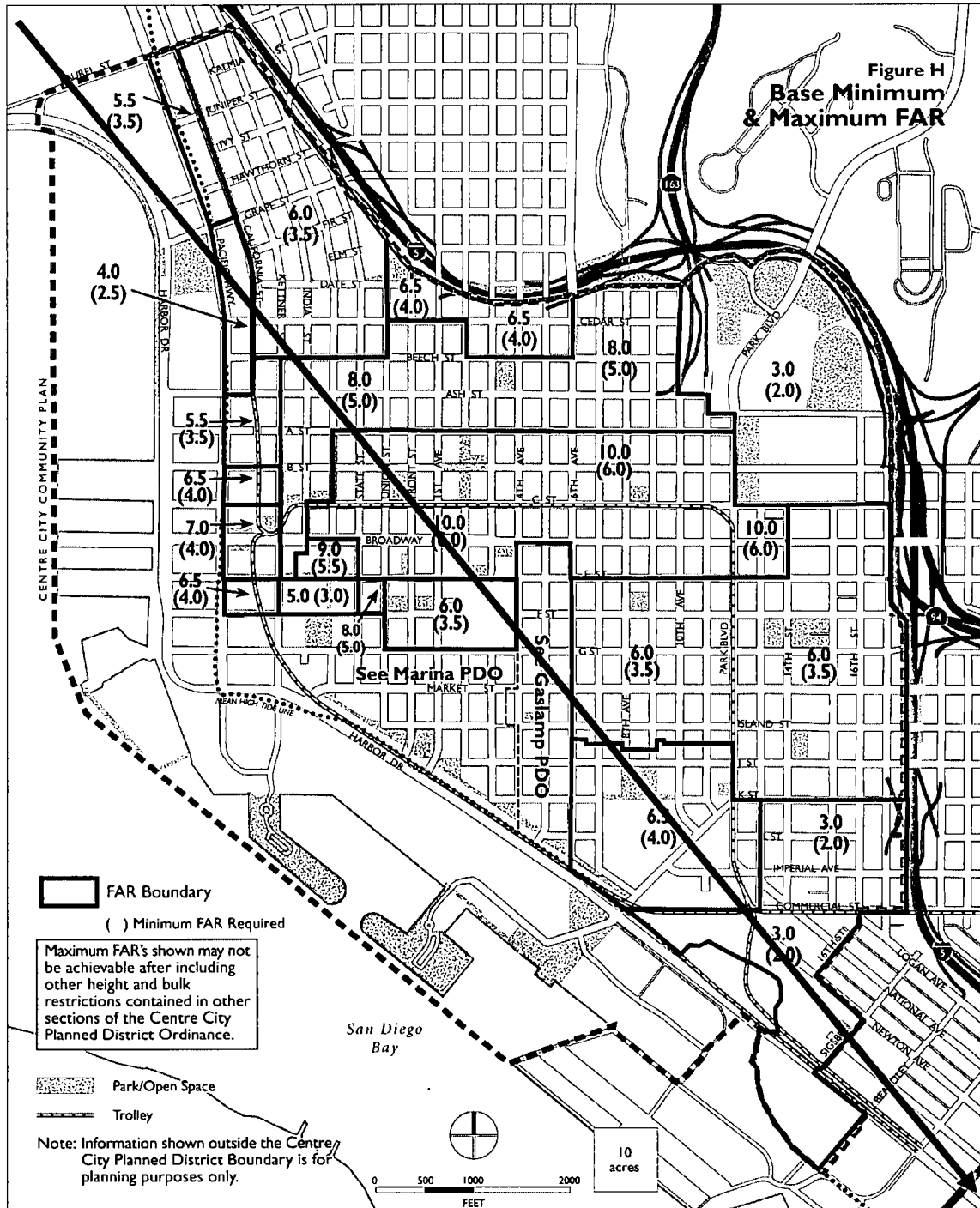


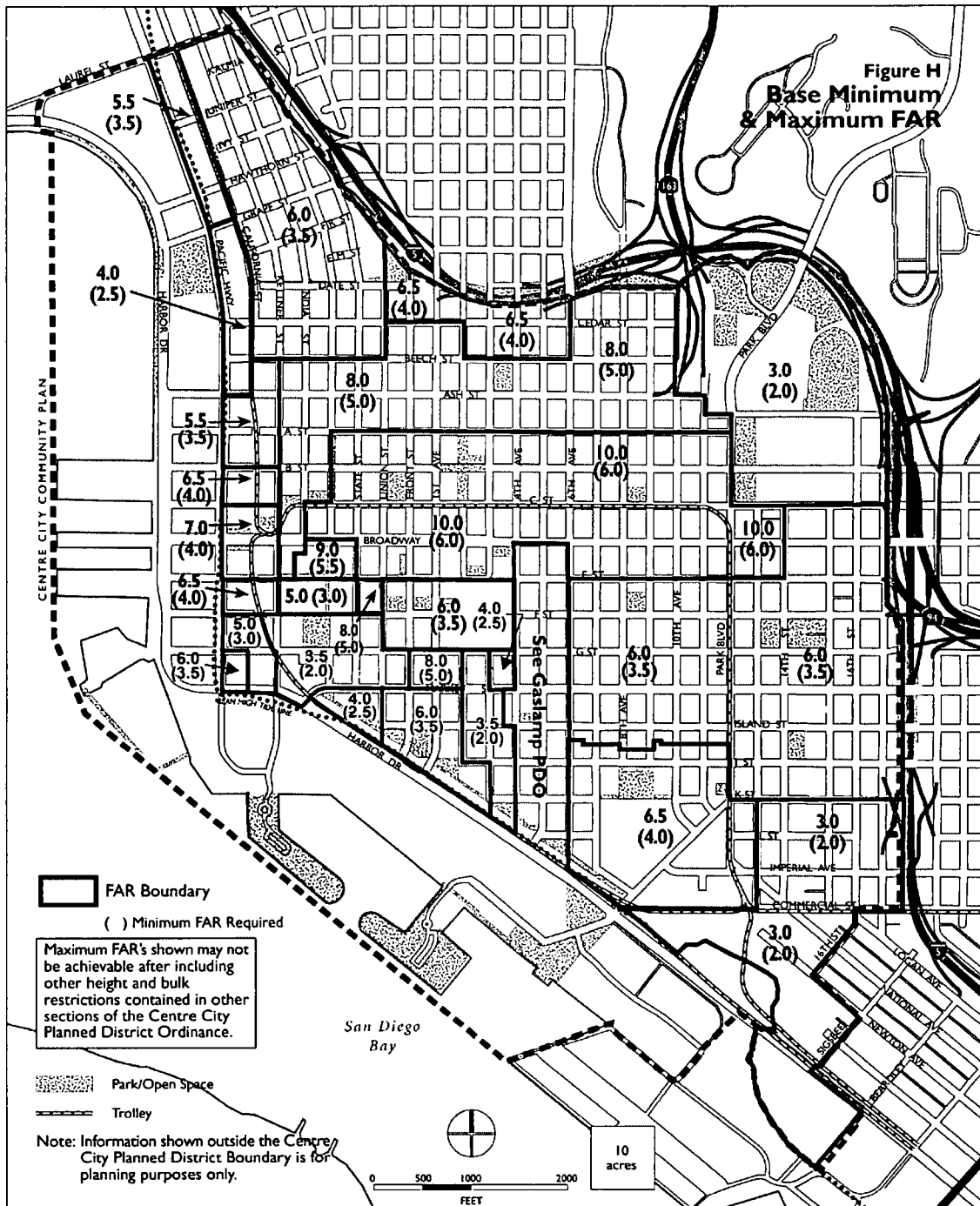


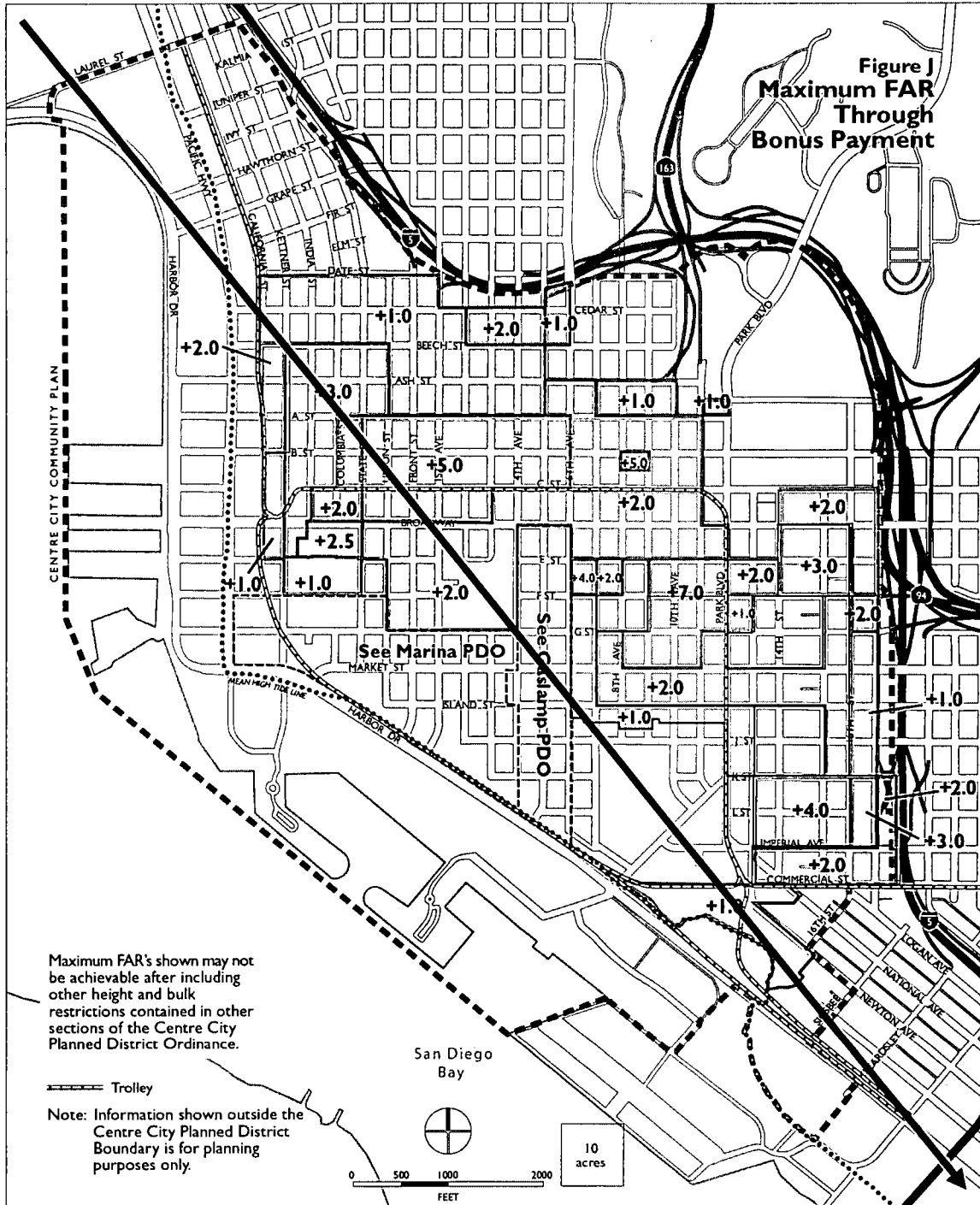


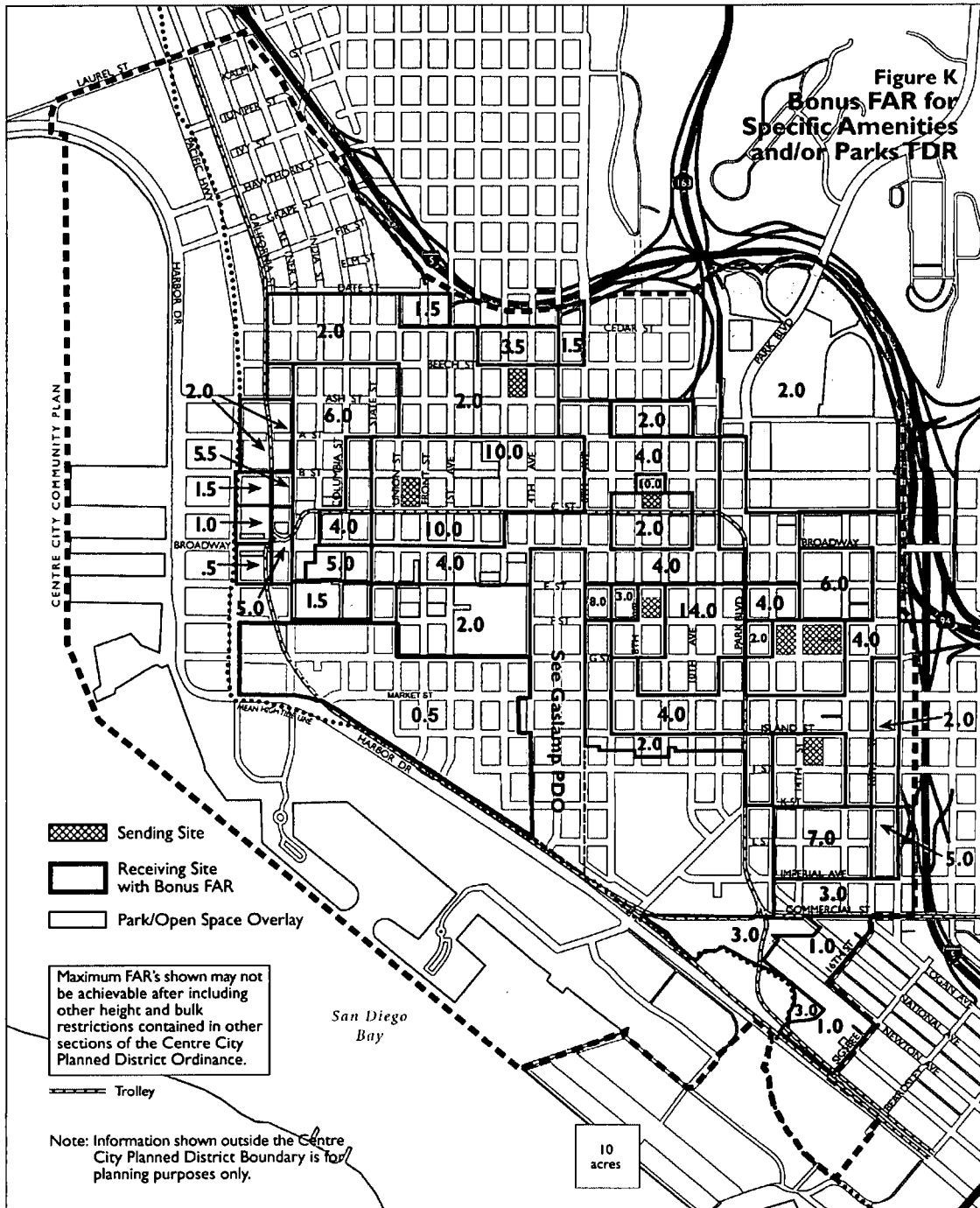


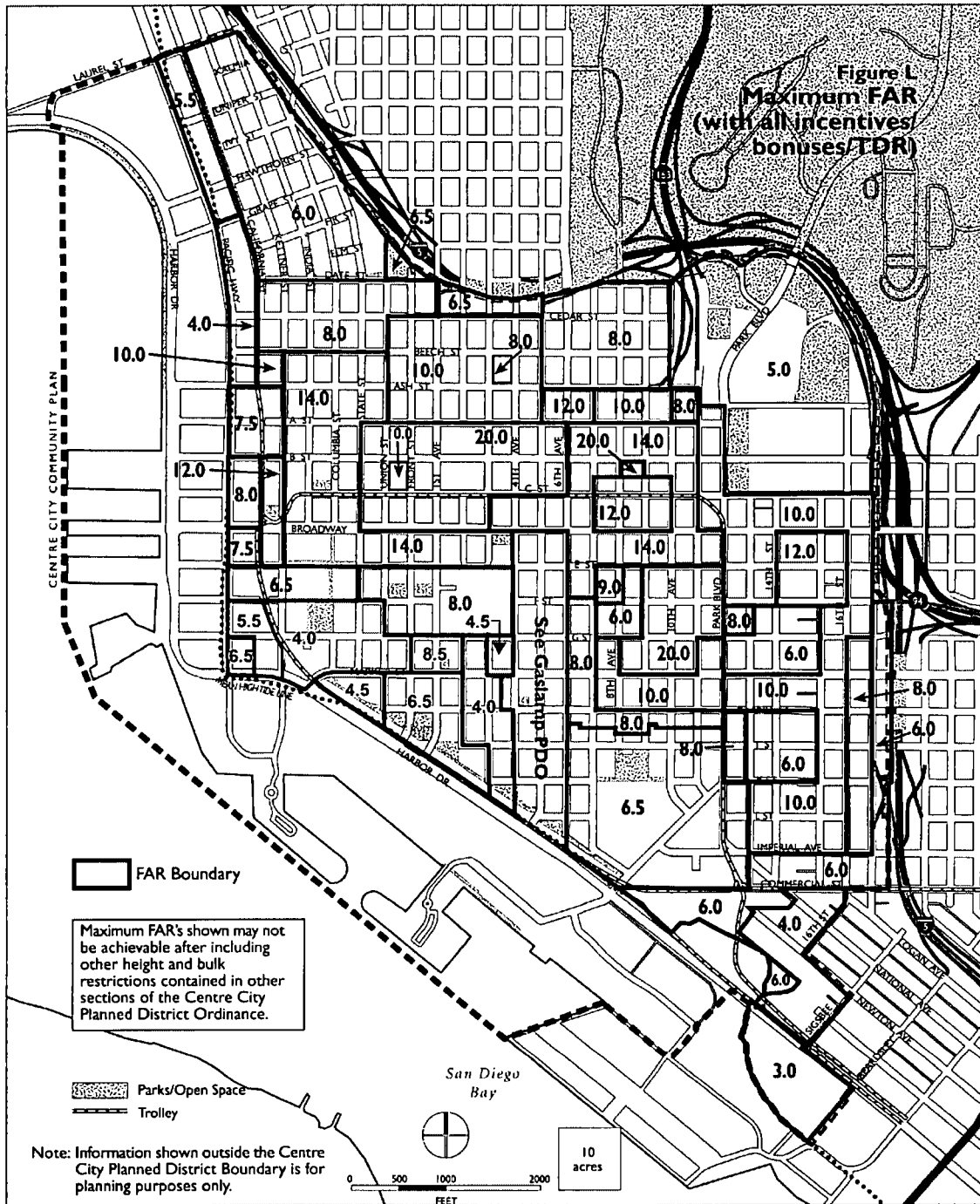












CLN:als
05/17/2019
Or.Dept: Planning Dept.
Doc. No.: 1793732_4

Passed by the Council of The City of San Diego on JUN 18 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 21 2019.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By My Proxy for Connie Patterson, Deputy

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

JUN 04 2019, and on JUN 21 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By My Proxy for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21084