

Article 6: Planned Districts
(Added 4-3-2006 by O-19471 N.S.)

Division 3: The Centre City Planned District
(Added 4-3-2006 by O-19471 N.S.)

§156.0301 Purpose and Applicability

(a) Purpose

The purpose of the Centre City Planned District is to establish land use regulations and design and *development* criteria to implement the Downtown Community Plan.

(b) Boundaries and Applicability

This Division applies to all property located in the Centre City Planned District shown in Figure A. Where lands are subject to the jurisdiction of other agencies and organizations, including the United States Government, State of California, San Diego Unified Port District, or County of San Diego, any superseding land use authority of those agencies shall apply.

(Added 4-3-2006 by O-19471 N.S.; effective 5-3-2006)

(Renumbered from 151.0301 to 156.0301 by SDMC 11.0207 effective 4-26-2007.)

(Amended 3-7-2023 by O-21619 N.S.; effective 5-6-2023.)

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§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, eating and drinking establishments, commercial recreation and entertainment, personal and convenience services, financial institutions, cultural institutions, galleries, and hotel lobbies. *Active commercial uses* are listed in Table 156.0308-A as being permitted on *Main Streets*.

Alternative Interim Uses means uses permitted under the base land use regulations of this Division but which are not identified as *active commercial uses* within the Neighborhood Mixed-Use Center Land Use District, or the *Main Street* and *Commercial Street* Overlay Districts.

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.

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(d).

Brewery Tasting Room means an establishment which is licensed by the California Department of Alcoholic Beverage Control under a Type 1 or Type 23 duplicate license to sell malt beverages the licensee produces for on-site and off-site consumption.

Brewpub means a *bona-fide eating establishment* which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the *premises* for on-site or off-site consumption.

Brewpub Tasting Room means an establishment which is licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages on the *premises* for on-site or off-site consumption.

Building base means the lower portion of a building located immediately above *grade*.

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*.

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 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.

Community Gardens are *premises* that are used for crop cultivation by individuals or collectively, and may be divided into multiple plots.

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 City staff-level review of a proposed *development* for consistency with the Downtown Design Guidelines.

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(d)(4).

Floor area ratio bonus (FAR bonus). See *Bonus Floor Area Ratio*.

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

Greenway means a *street* that enhances the pedestrian travel experience for people of all abilities, serves as a linear park, and is identified as a “Proposed Greenway” in the Downtown Community Plan.

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

LEED® means the Leadership in Energy and Environmental Design green building certification system developed by the United States Green Building Council that provides third-party verification that a building or community was designed and built using strategies aimed at improving performances across a wide range of sustainability metrics.

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment.

Living unit means an enclosed space of between 150 and 400 net square feet which is used as a primary residence for a minimum period of one month at a time.

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

Logo means an identifying symbol using graphics, color schemes, figures, hieroglyphics, numerals, letters, or words

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 means the visual perception of the organization of the *GFA* of the *structure* compared to adjoining *development*.

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.

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities, as described in Section 141.0612. *Mobile food trucks* do not include *pushcarts* as defined in Section 141.0619 of the San Diego Municipal Code.

Outdoor Activities are temporary uses that include farmer's markets and other markets, arts and cultural events, social or community events.

Outdoor Use Area means an unenclosed area on private property associated with an eating and drinking establishment or a public assembly use that is open to the general public.

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

Pedestrian entrance means a functional entrance or door that is accessible to the general public from an enclosed occupied space. This does not include entrances to mechanical equipment or storage areas, emergency exits, or decorative nonfunctional doors and entrances.

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, at-grade or above-grade patio or *roof deck* used exclusively by the occupants of the *dwelling unit* and their guests.

Public open space means an area owned by the City of San Diego intended for use by the general public, or an area on private property for which a *public park*, open space, or similar easement or covenant has been recorded in favor of the City of San Diego for use by the general public.

Pushcart has the same meaning as in Land Development Code Section 141.0619

Receiving site refers to a site where *gross floor area* is transferred from a *sending site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(f).

Reflective glass means a glazing material which obscures vision, reflects surroundings, and has zero or minimal transparent qualities to the exterior.

Residential care facilities have the same meaning as in Land Development Code Section 141.0312.

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 *Transfer of Development Rights* procedures in Section 156.0309(f).

Sensitive receptor means any of the following land uses: residential, educational facilities for kindergarten to grade 12, *child care facilities*, hospitals, intermediate care facilities, and nursing facilities.

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

Stepback means the distance measured from a *property line* to the building walls of the upper *floors* of a building above a specified height

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.

Sustainability Indicator means one of the key performance categories that can be tracked to demonstrate the condition of a significant sustainability impact over time.

Sustainability Measures means specific voluntary best practice design measures that make a *development* more sustainable than it would be under standard *development* requirements.

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 publicly accessible parks or preserving *designated historical resources*.

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.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)
(Renumbered from former Section 156.0304 and amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)
(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)
(Amended 6-26-2012 by O-20176 N.S.; effective 7-26-2012.)
(Amended 2-26-2013 by O-20351 N.S.; effective 5-16-2014.)
(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)
(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)
(Amended 6-21-2019 by O-21084 N.S.; effective 8-8-2019.)

[Editors Note: Amendments as adopted by O-21084 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21084-SO.pdf]

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

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§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.

(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) *Development* that exceeds \$20 million in value, located along a *greenway*, shall meet all the following requirements, as applicable:
 - (A) For *development* located along 14th Street, fronting *public improvements* consistent with the 14th Street Promenade Master Plan shall be provided.

- (B) For *development* located along E Street, fronting *public improvements* consistent with the E Street Greenway Master Plan shall be provided.
- (C) For *development* located along any other *greenway* identified in the Downtown Community Plan, the following fronting *public improvements* shall be provided:
 - (i) Widening of the sidewalk, which may include the removal of any parking and vehicular lanes, to accommodate the *public improvements* identified in this Section 156.0304(b)(3)(C). A *greenway* may be closed to vehicular traffic, at the discretion of the City Engineer, so long as pedestrian and bicycle traffic is maintained.
 - (ii) A double row of canopy *street* trees on each side of the sidewalk to the satisfaction of the Director of the Development Services Department.
 - (iii) *Street* furniture on each fronting *premises*, including at least two of the following: fixed seating; interactive wayfinding *signs*; bicycle racks; bicycle repair station; dog relief area; interactive artwork; interpretive elements; educational kiosk; or other design features to sit, rest or play, such as swings, seat walls, ledges, or seating steps.
 - (iv) Pedestrian-scale lighting.
 - (v) At least two of the following recreation amenities: play equipment; sensory play feature; fitness circuit equipment; dog run; or parkour course.
 - (vi) Stormwater treatment features such as bioswales.
- (D) The *greenway* and associated *public improvements* shall be privately-maintained and publicly accessible in perpetuity. All *public improvements* along a *greenway* as described in Section 156.0304(b)(3) shall be decided in accordance with a Public Right-of-Way Permit and the *applicant* shall enter into an Encroachment Maintenance and Removal Agreement in accordance with Chapter 12, Article 9, Division 7.

- (E) *Tenant improvements* are exempt from the requirement to include *public improvements* along a *greenway* as described in Section 156.0304(b)(3).
 - (F) The City Manager may waive or modify the requirement to include *public improvements* along a *greenway* if the installation of *public improvements* would create undesirable drainage or traffic or pedestrian circulation conditions, as determined by the City Engineer.
 - (G) An *applicant* that provides *public improvements* in accordance with this section shall either be exempt from or subject to a proportionate share credit of the DIF for the Citywide Park Development Impact Fee as set forth in Section 142.0640(b)(6) or shall be eligible for an *FAR Bonus* of 2.0 to be added to the maximum *Base FAR* as set forth in Section 156.0309(d)(9). For purposes of this subsection, to be exempt or partially exempt from the requirement to pay the Citywide Park DIF, the requirements set forth in Section 142.0640(b)(9)(A)-(C) shall not apply.
- (4) All *development* in the Centre City Planned District shall comply with and incorporate the mitigation measures listed in the Mitigation, Monitoring, and Reporting Program (MMRP) listed as Appendix A in the Downtown Community Plan, as may be amended.
- (c) 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.

(d) Public Facilities Exemption

Public facilities including fire stations, *schools, parks, greenways*, transit improvements, public buildings and facilities, police department facilities, and *structures* within *public open space* areas, shall be allowed at any location within the Centre City Planned District and shall be exempt from the requirement to obtain a *development permit* with the exception of Coastal Development Permits and Site Development Permits for *historical resources*. Public facilities shall be exempt from 156.0307(b)(2)-(12). Any required *development permits* or *construction permits* issued for public facilities shall be granted an automatic extension of an additional 24 months from the expiration date of the permit.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Renumbered from former Section 156.0303 and amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-7-2012 by O-20152 N.S.; effective 6-6-2012.)

(Amended 5-7-2012 by O-20154 N.S.; effective 6-6-2012.)

(Amended 5-7-2012 by O-20155 N.S.; effective 6-6-2012.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-19947 N. S., O-20117 N. S. and O-20368 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments. Click the link to view the Strikeout Ordinance highlighting changes to prior language

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§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of this Code shall apply to the Centre City Planned District.

- (a) When this Division cites *lot* areas for regulatory purposes, such *lot* areas shall be approximate and reflect the following examples:
 - (1) Single *lot* of record = 5,000 square feet, plus or minus ten percent.
 - (2) Two *lots* of record = 10,000 square feet, plus or minus ten percent.
- (b) *Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:
 - (1) Phantom *floors*, as defined in Section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.
 - (2) *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.
 - (3) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor* area count as *gross floor area* except where:
 - (A) The addition is within the *structural envelope* of a building for which building permits were issued prior to May 3, 2006; or
 - (B) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-half of the *floor* area immediately below.

- (4) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

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§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 Land Development 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 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 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

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 for the design of new *development*.

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) Major amendments to the Downtown Design Guidelines shall be approved by the City Council. Major amendments include any changes that do not qualify as minor amendments as provided in Section 156.0306(a). Major amendments shall be reviewed by the Planning Commission prior to approval by the City Council.

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

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§156.0307 Land Use Districts

The following 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 percentages of *active commercial uses* and 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 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 along *Main Streets*.

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*.

- (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.
- (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*.
- (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.
- (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*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process.

- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities.
- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities.
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor 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 commercial uses.
- (12) Park/Open Space (OS). This district provides areas for *public parks* and open spaces. Below-ground parking facilities, eating and drinking establishments, arts and *cultural uses*, and community centers are also permitted.

(b) Overlay Districts

The Airport Land Use Compatibility Overlay Zone as identified in Chapter 13, Article 2, Division 15, applies to properties that are located within an airport influence area. The following Overlay Districts apply as illustrated in Figures C through N:

- (1) 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.
- (2) *Commercial Street* Overlay (CS). On *commercial streets* a minimum of 60 percent of the ground-floor *street frontage* shall contain commercial uses. *Active Commercial Uses* appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. Up to 50 percent of required *active commercial uses* can be met with residential uses, provided that each of the *dwelling units* contain a minimum of three *bedrooms* and each *dwelling unit* on the ground floor fronting a *public right-of-way* has a separate ground floor entrance. *Alternative Interim Uses* may be permitted on *commercial streets* pursuant to Section 156.0315(f).
- (3) County Administration Center Design Zone Overlay (CAC). This overlay district provides design recommendations to facilitate new *development* surrounding the historic County Administration Center on Pacific Highway that is sympathetic in scale, character, and height to this important landmark.

- (4) Employment 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. Multiple *developments* on adjoining individually owned *lots* may satisfy the requirements of this section through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay. Residential uses in this district shall not exceed 50 percent of the *gross floor area* within any *development*, unless at least one of the following conditions are met:
- (A) The *development* includes no less than 90 percent of the Base Maximum *floor area ratio* and a minimum of 70 percent of the ground-*floor street frontage* contains commercial uses as permitted in the base zone, of which up to 30 percent of the ground-*floor street frontage* may consist of *shopkeeper units* or live/work quarters.
- (B) *Development* that converts *floor area* in an existing *structure*, regardless of the percentage of base maximum *floor area ratio*, if the *development* provides either five percent *very-low* income, ten percent *low-income*, or fifteen percent *moderate-income* affordable units on-site in accordance with the criteria in Section 143.0720(c) and (d). An expansion of the existing *structure* shall be allowed subject to all applicable regulations.
- (5) 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.
- (6) 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*.
- (7) Limited Vehicle Access Overlay. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(k)(4).

- (8) 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.
- (9) *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 156-0308-A, under *Main Street/Commercial Street* overlays. On *lots* of 10,000 square feet or less, the percentage of *active commercial uses* may be reduced to 50 percent of the *street frontage*. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(f).
- (10) Park/Open Space Overlay (P). This overlay district identifies locations of existing and future *public park* sites designated in the Downtown Community Plan. These sites may include cultural, civic, governmental, and educational uses.
- (11) 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.
- (12) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use incompatibilities that could result from proximity to *sensitive receptors*. *Sensitive receptors* are prohibited within the IB Overlay District.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 6-26-2012 by O-20176 N.S.; effective 7-26-2012.)

(Amended 2-26-2013 by O-20351 N.S.; effective 5-16-2014.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-19947 N. S., O-20117 N. S. O-20176 N.S., O-20351 N.S and O-20368 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments.

Click the links to view the Strikeout Ordinances highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20176-SO.pdf http://docs.sandiego.gov/municode_strikeout_ord/O-20351-SO.pdf] http://docs.sandiego.gov/municode_strikeout_ord/O-20368-SO.pdf]

(Amended 6-21-2019 by O-21084 N.S.; effective 8-8-2019.)

[Editors Note: Amendments as adopted by O-21084 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21084-SO.pdf]

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf

(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

[Editors Note: Amendments as adopted by O-21416 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21416-SO.pdf]

(Amended 3-7-2023 by O-21619 N.S.; effective 5-6-2023.)

[Editors Note: Amendments as adopted by O-21619 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21619-SO.pdf]

§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 156-0308-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* 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 exceptions:

- (1) The *gross floor area* of *previously conforming* uses and *structures* may be expanded up to 10 percent of the existing *gross floor area* of *structures* on the *premises* through a Process One approval.
- (2) The *gross floor area* of *previously conforming uses* and *structures* may be expanded up to 100 percent of the existing *gross floor area* of *structures* on the *premises* through a Process Two Neighborhood Use Permit.
- (3) Within the Residential Emphasis District, *previously conforming* uses may be replaced with conforming commercial uses without complying with the 80 percent residential land use requirement for new *development*.

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

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	P	P		
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--		
Community Gardens	P	P	P	P	--	P	P	--	--	P	P	--	§141.0203	
Residential¹														
Rooming House	L	L	L	L	--	L	L	--	--	L	--	--		
Multiple Dwelling Units	P	P	P	P	--	P	P	--	--	P	--	--		
Shopkeeper Units	P	P	P	P	--	P	P ²	--	--	P	--	--		
Separately Regulated Residential Uses														
Continuing Care Retirement Communities	L	L	L	L	--	L	L	--	--	L	--	--	§141.0303	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	--	--	§141.0305 (c)-(e)	
Home Occupations	P	P	P	P	--	P	P	--	--	P	--	--	§141.0308	
Live/Work Quarters	P	P	P	P	--	P	P	--	--	P	--	--	§141.0311	
Living Units	P	P	P	P	--	P	P	--	--	P	--	--	§156.0315(b)	
Residential Care Facilities	C	C	C	C	--	C	C	--	--	C	--	--	§141.0312	
Transitional Housing	L	L	L	L	--	L	L	--	--	L	--	--	§141.0313	
Permanent Supportive Housing	L	L	L	L	--	L	L	--	--	L	--	--	§141.0315	
Separately Regulated Institutional Uses														
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	

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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	P	--	--	P	P	P		MS, CS, E
Educational Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	C	§141.0408	
Exhibit Halls & Conventional 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 ⁶	C	--	C	C	--	C	--	--	--	C	--	--	§141.0412 §156.0315(e)	
Hospitals, 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)	CS
<i>Wireless Communication Facilities</i>	See Section 141.0420													
Retail Sales	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307(a), (b) & Figure	MS, CS, E

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

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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
													C	
Separately Regulated Retail Sales Uses														
<i>Cannabis Outlets</i>	-	-	-	-	C	-	-	C	C	-	-	C	§141.0504	
Off-Site Alcohol Beverage Sales	C	C	C	C	C	C	--	--	--	C	C	C	§156.0315 (b)(1)	MC, CS, E
Commercial Services														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P	P		CS, E
With <i>Live Entertainment</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	--	N/ C	N/ C	N/ C	§156.0315(c)	
With Outdoor Use Area	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	--	L/ N	L/ N	L/ N	§156.0315(d)	
Building Services	P	P	P	P	P	P	--	--	--	P	--	--		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Eating & Drinking Establishments ¹⁴														
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315(a)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315 (b)(2)	MS, CS, E
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	P	P	P	P	P	P	--	--	--	P	--	P	§156.0315 (a)	MS, CS, E
<i>Brewery Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(4)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(3)	MS, CS, E
With Outdoor Use Area	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	P	L/ N	§156.0315(d)	
With <i>Live</i>	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	--	L/ N	--	L/ N	§156.0315(c)	

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

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required;
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S = Site Development Permit Required; MS = Main Street; CS = Commercial Street;
E = Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<i>Entertainment</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C				N/ C		N/ C		
<i>Mobile Food Trucks</i>	L	L ¹¹	L	L	L	L	L	L	L	L	L	L	§123.0601- 0606	
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P		CS, E
Off-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 ³	P	P	P	P	P ¹³	--	--	P	--	P		CS, E
Separately Regulated Commercial Service Uses														
Boarding Kennels/Pet Day Care Facilities	L	L	L	L	L	L	L	--	--	L	--	--	§141.0604	CS, E
Veterinary Clinics & Animal Hospitals	L	L	L	L	--	L	L	--	--	--	--	--	§141.0625	CS, E
Assembly Uses, including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	--	P		CS
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

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E = Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<i>Outdoor Activities</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	N/ C	N/ C	N/ C	§156.0315(d)	MS, CS
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P		
<i>Pushcarts on private property</i>	L	L	L	L	L	L	--	--	L	L	L	L	§141.0619	
<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 and Processing 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 ¹⁰	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	§141.0621	
<i>SRO Hotels</i>	P	P ³	P	P	--	P	P	--	--	--	--	--	§143.0510- §143.0590	
Offices⁽⁹⁾	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

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E = Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Vehicle & Vehicular Equipment Sales & Service														
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	P		CS, E
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Vehicle & Vehicular Equipment & Service Uses														
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	--	--	§141.0801	
Distribution and Storage														
Distribution Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--		
Moving & Storage Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--		
Separately Regulated Distribution and Storage Uses														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
Industrial														
Artisan Food and Beverage Producer ¹²	L	L	L	L	L	L	--	L	L	L	L	L	§141.1001	CS, E
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--		
Light Manufacturing	--	--	--	--	P	P	--	P	P	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--		
Research & Development	P	P	P	P	P	P	--	P	P	P	--	--		E

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Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CC ⁷	Additional Regulations	<i>MS/CS & E Overlays</i>
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Industrial Uses														
Cannabis Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-		
Signs														
Allowable <i>Signs</i>	P	P	P	P	P	P	P	P	P	P	P	P	§142.1201 §142.1292 §156.0314	
Separately Regulated Signs Uses														
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101 §141.1104	
Reallocation of <i>Sign</i> Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	§141.1103	
Revolving Projecting <i>Signs</i>	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
Theater <i>Marquees</i>	N	N	N	C	N	N	N	--	--	N	N	N	§141.1106	
Other Use Requirements														
Temporary Uses and <i>Structures</i>	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401	

Footnotes for Table 156-0308-A

- ¹ Not permitted on state or federal tidelands.
- ² Commercial use *floor* area contributes to 20 percent commercial use allowance and is subject to locational limits of districts.

- ³ For hotels with 100 feet or more of *street frontage* along a Main Street, *active commercial uses* other than the hotel lobby shall constitute at least 50% of the required *active commercial use* frontage.
- ⁴ Limited to 20 percent *gross floor area* above *grade*.
- ⁵ Uses designated with CS, MS, or E must meet minimum percentages specified in sections 156.0307(b) (4), (6), and (10).
- ⁶ 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*.
- ⁷ 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.
- ⁸ Structured parking facilities incorporated into a *development* as an *accessory use* or as part of a *mixed-use development* that contains at least 50 percent *employment uses* shall be permitted by right and do not require a Conditional Use Permit.
- ⁹ Research and Development and testing labs are permitted within the office use category.
- ¹⁰ Sidewalk cafes permitted pursuant to Section 141.0621 may reduce the continuous pavement walkway clearance to a minimum of four feet when the face-of-curb to *property line* distance is twelve feet or less.
- ¹¹ Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.
- ¹² Accessory retail sales or commercial uses that are accessible to the general public are required along a minimum 25 percent of any street frontage.
- ¹³ Visitor Accommodation uses are allowed as part of a mixed-use *development* that contains at least 80 percent residential uses and the *development* includes at least 90 percent of the base maximum *floor area ratio*.
- ¹⁴ Drive-ins and Drive-throughs are prohibited in the CCPDO.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S. and O-19949 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 6-26-2012 by O-20176 N.S.; effective 7-26-2012.)

(Amended 3-25-2014 by O-20356 N.S.; effective 4-24-2014.)

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Click the links to view the Strikeout Ordinances highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20176-SO.pdf and http://docs.sandiego.gov/municode_strikeout_ord/O-20368-SO.pdf]

(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)
(Amended 4-5-2016 by O-20634 N.S.; effective 5-5-2016.)
(Amended 8-4-2016 by O-20704 N.S.; effective 8-27-2016.)
(Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.)
(Amended 10-17-2017 by O-20859 N.S.; effective 11-16-2017.)
(Amended 8-9-2019 by O-21114 N.S. and O-21117 N.S.; effective 9-8-2019.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

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Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21619-SO.pdf]

§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 with the exception of *capital improvement program projects* or *development* limited by the *density/intensity* limits under the safety zones of the San Diego International Airport – Lindberg Field Airport Land Use Compatibility Plan.

(b) Development Permit FAR

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The *development* may consist of one or more individually-owned *lots*, but the permitted *FAR* for any individual *lots* remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*. If a *development* does not require a *development permit*, the distribution of *FAR* between the *lots* may be executed through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney.

(c) 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, 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*.

The district-wide *FAR* provisions shall not apply to the block bounded by Park Boulevard and J, K, and 13th Streets.

(d) *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(d)(1)). The increased *density* earned through each *FAR bonus* shall be in addition to any other increase in *density* allowed by any other *density* bonus program.

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

TABLE 156-0309-A: FAR BONUS	
Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum <i>Base FAR</i>)
Affordable Housing	See Section 156.0309(d)(1)
<i>Urban Open Space</i>	Up to 6.0 - See Section 156.0309(d)(2)
Three <i>bedroom</i> units	See Section 156.0309(d)(3)
<i>Eco-Roofs</i>	Up to 1.0 – See Section 156.0309(d)(4)
<i>Employment Uses</i>	See Section 156.0309(d)(5)
<i>Child Care Facilities</i>	See Section 156.0309(e)(6)
<i>FAR</i> Payment Bonus Program	See Section 156.0309(d)(6) and Figure J
Sustainable Building	Up to 2.0 – See Section 156.0309(d)(7)
<i>Public Improvements</i> along a <i>Greenway</i>	2.0 – See 156.0309(d)(8)

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

- (A) *Development* utilizing the *density* bonus provisions of Tables 143.07A, 143.07B, and 143.07C of the AHR shall be entitled to a percent *FAR bonus* equivalent to the percent *density* bonus cited in these tables subject to meeting all other provisions of the AHR.
- (B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in the AHR:

- (i) The permitted *FAR* for a *development* containing affordable housing shall be calculated as follows:

Permitted *FAR* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then multiplied by the AHR bonus percentage, then that total is added to the Pre-AHR bonus *FAR*.

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus FAR* earned through Section 156.0309(d) and Section 156.0309(f).

AHR bonus percentage means the percentage bonus for affordable housing found in Tables 143-07A, 143-07B, and 143-07C in the AHR.

- (ii) The number of required affordable *dwelling units* in a *development* utilizing the AHR is calculated as follows:

Number of required affordable *dwelling units* equals Pre-AHR bonus *FAR* minus the non-residential *FAR*, then divided by the *development's* proposed residential *FAR*, then multiplied by the number of proposed *dwelling units* in the *development*, then multiplied by the AHR bonus percentage.

- (iii) The maximum *FAR bonus* earned through the provision of affordable housing shall be in addition to any other increase in *density* allowed in this Division.
 - (iv) Affordable housing units are not required to be distributed vertically throughout *floors* in high-rise *development*.
 - (v) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i); where the *premises* contains any of the following uses as of January 1, 2023: Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, Maintenance & Repair, or Drive-Through Restaurants, and those uses are to be replaced with residential *development*, an additional *density* bonus of 50 percent shall be added to the AHR bonus percentage.
 - (C) For *development* proposing to utilize Section 143.0720(l)(9) providing for a 100% *density* bonus for micro-unit *development*, the *development* must first utilize other *FAR* bonus programs as listed in Section 156.0309(d) to achieve a minimum *FAR* bonus of 3.0.
- (2) *Urban Open Space. Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for a *FAR bonus* of 2.0, 4.0, or 6.0, subject to the following criteria:
 - (A) The amount of *FAR bonus* shall be based on the following criteria:
 - (i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of 2.0.

- (ii) *Urban open space* that is at least 10 percent of the site and includes amenities which achieve a minimum of 7 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of 2.0.
 - (iii) *Urban open space* that is at least 15 percent of the site and includes amenities which achieve a minimum of 10.5 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of 4.0.
 - (iv) *Urban open space* that is at least 20 percent of the site and includes amenities which achieve a minimum of 14 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of 6.0.
 - (v) *Development* that includes either a public restroom building containing a minimum of 2 stalls; a performance/event space consisting of a minimum of 5,000 square feet with seating, lighting and utilities; or museum space consisting of a minimum of 30,000 square feet to be made available at no cost to a not-for-profit organization for a minimum of 30 years, shall receive an *FAR Bonus* of 6.0.
- (B) The *urban open space* shall be open to the general public at least between the hours of 7:00 a.m. and 9:00 p.m. every day, with the exception of museum space, which may have limited hours but at a minimum must be open to the public at least 24 hours per week. The *urban open space* area shall have *signs* indicating that the public is welcome and the hours of closure, if applicable.
- (C) A public recreation easement or *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the *urban 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) Three *Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide at least five three *bedroom* units, with each *bedroom* containing a minimum of 70 square feet and have *CC&Rs* recorded on the property requiring the number of *bedrooms* in those units shall be entitled to a *FAR bonus*, subject to the following criteria:
- (A) *Development* providing at least 10 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units shall receive a *FAR bonus* of 1.0.
- (B) *Development* providing at least 20 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units shall receive a *FAR bonus* of 2.0.
- (C) *Development* providing at least 50 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units, with at least 20 percent of those units affordable up to 30 percent of 150 percent of the area *median income*, shall have no limit on *density*.
- (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. The *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) An *FAR Bonus* of 0.5 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint. An additional *FAR Bonus* of 0.5 shall be granted for an *eco-roof* area that is designed to be accessible to the building occupants and which remains accessible through the recording of *CC&Rs* in accordance with Section 156.0309(d)(4)(B).

- (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) All vegetation must be maintained in perpetuity.
- (5) *Employment Uses*. To encourage the *development* of *employment uses* in the Centre City Planned District, a *FAR bonus* may be earned for the provision of *employment uses* within the *development*. In the Employment Overlay District, *development* containing 100 percent *employment uses*, excluding *hotel/motel* uses shall have no limit on *FAR*. In all other areas of the Centre City Planned District, any *development* that contains at least 50 percent *employment uses*, excluding *hotel/motel* uses, shall receive an *FAR bonus* of 50 percent and may utilize the *development* regulations within the Large Floorplate Overlay District.
- (6) *Child Care Facilities*. *Development* that includes a *child care facility* in compliance with the requirements of Section 141.0606 and maintain an 'E' occupancy permit for a minimum of 20 years from the time of *construction permit* issuance will receive an *FAR bonus* at the rate of 20 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility*. *CC&Rs* shall be recorded on the property requiring the maintenance of the "E" occupancy.
- (7) *FAR Payment Bonus Program*. A *FAR Payment Bonus Program* has been established 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.
- (8) *Sustainable Building*. *Development* that demonstrates a high level of building sustainability by achieving a targeted level of performance may qualify for a *FAR bonus* of 1.0 or 2.0, subject to the following criteria:
 - (A) California Green Building Standard Code (CALGreen): As adopted by the State of California, CALGreen includes voluntary performance tiers. *Development* that complies with CALGreen Tier II may earn a *FAR bonus* of 1.0.

- (B) *LEED®*: The US Green Building Council (USGBC) manages *LEED®* Core & Shell and *LEED®* for new construction. *Development* that achieves *LEED®* Silver certification may earn a *FAR bonus* of 1.0 and *development* that achieves a *LEED®* Gold or higher certification may earn a *FAR bonus* of 2.0.
- (C) *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*. 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, to the satisfaction of the City Manager. If the *applicant* fails to submit documentation, equivalent payment shall be made to the *FAR Bonus* Fund.
- (9) *Greenways*. *Development* that includes *public improvements* consistent with Section 156.0304(b)(3)(A) through (D), shall be entitled to an *FAR Bonus* of 2.0.
- (e) Exemptions from *FAR* Calculations

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

- (1) *Historical Buildings*. The *floor area* within the historic *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 modified 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 procedures, in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code. The *floor area* within the historic *building envelope* may also be exempted from the *FAR* calculations if the *designated historical resource* is reconstructed consistent with the Secretary of the Interior's Standards and Guidelines as part of the *development*. Any remaining *FAR* on a *premises* containing a *designated historical resource* may be transferred to any other *premises* within the Downtown Community Planning Area. Appropriate *CC&Rs* shall be recorded to memorialize the reallocation of *FAR* on both *premises*.

- (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) **Main 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* 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 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.
- (f) **Transfer of Development Rights (TDR) Program**
- (1) **Purpose.** The purpose of the *TDR* program is to encourage opportunities for the design, construction, and operation of additional publicly accessible parks within the Downtown Community Planning Area while also incentivizing the construction of additional housing and employment.
 - (2) **Eligible Sites.** Eligible *receiving sites* and *sending sites* must both be within the Centre City Planned District. Eligible *receiving sites* are those sites where any portion of the *premises* is zoned for residential, commercial, or mixed-use. Eligible *sending sites* are those sites where a *development* designs and constructs an onsite publicly accessible park that satisfies or exceeds the park standard identified in the Parks Master Plan Area.

- (3) Allowable Transfers. All 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*.
- (4) 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* in which the *applicant* enters into a maintenance agreement, where the applicant is identified as the responsible party for maintenance, to provide the long-term maintenance of the park in accordance with the Parks Master Plan, the amount of permitted transferable *gross floor area* shall be increased by 50 percent.
- (5) 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 City Manager.
 - (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 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) 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 City.
- (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*.

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§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 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) 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) *Street walls* along each side of a building may be 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.
- (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 applicable only in the areas within the Large Floorplate and Employment Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310-A:

TABLE 156-0310-A: DEVELOPMENT STANDARDS						
Land Use Districts	Residential Emphasis (RE)	Neighborhood Mixed -Use Center (NC)	All other Land Use Districts	Employment (E) or Large Floorplate (LF) Overlays	Little Italy Sun Access Overlay (LISA)	Properties West of Kettner Boulevard
Building Height (feet from ground level)						
<i>Building Base/Street wall</i>						
Minimum	45	45	45	45	30/40 ¹	45
Maximum	85	65/85 ³	85	85	50/85 ⁵	85
<i>Mid-Zone</i>						
Maximum	N/A	N/A	N/A	180	N/A	N/A
<i>Tower</i> Maximum Height Per Figure F						
Maximum Lot Coverage						
<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%
Tower Floor Plate Dimensions						
North-South	200	140	200	200	110	140
East-West	130	130	130	150	110	130
Tower Setbacks						
From <i>Public Right-of-Way</i>	15 ²	15 ² /25 ³	15 ¹	15 ²	15	15 ²
From Interior <i>Property Line</i>	20 ⁴	20 ⁴	20 ⁴	20 ⁴	20 ⁴	20 ⁴
<p>1 See Section 156.0310(d)(1)(D)(iii).</p> <p>2 See Section 156.0310(d)(3)(D) for exemptions.</p> <p>3 Applied along <i>main streets</i> with a general north-south orientation, see Section 156.0310(d)(1)(E)(iv) for exemptions.</p> <p>4 See Section 156.0310(d)(3)(E) for exemptions.</p> <p>5 See Section 156.0310(c)(1)(A) for sites located north of Cedar Street.</p>						

(1) *Building Base*

- (A) *Maximum Lot Coverage.* The maximum *lot coverage* for the *building base* shall be 100 percent.
- (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) *Urban open space*
 - (ii) *Courtyard* entrances up to 30 feet wide in residential *development*. Any security gating or fencing across a *courtyard* entrance shall be a minimum of 75 percent open to provide views into the *courtyard*;
 - (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 up to 10 feet in depth and in front of habitable space may qualify as *street wall* must be approved through the *design review*;
 - (vi) Portions of *development* sites associated with documented active faults or no-build easements may be exempted from the *street wall* requirements;
 - (vii) Side yard setbacks up to 5 feet in width may be approved through *design review*; or
 - (viii) When a transformer is required to be located behind the *property line*, an exception may be approved through *design review*.
- (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).
- (D) *Minimum Street Wall Height.* The minimum height of the *street wall* shall be 45 feet in accordance with Table 156-0310-A 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 156-0310-B.
 - (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 156-0310-A, measured from the average *grade* of the adjoining sidewalk to the top of the parapet (may be calculated in 100 foot increments for sites with grades greater than 5 percent) subject to the following exceptions:
 - (i) For buildings with the highest habitable *floor* line at or below 75 feet, up to 50 percent of the *street wall* may be increased to 95 feet to accommodate taller top-*floor* units.
 - (ii) For buildings within the Large Floorplate or Employment Overlay Districts, the *street wall* may be extended up into the *mid-zone* without any *building façade setbacks*.
 - (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 156-0310-B. 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*.

- (G) Sky-walks. Elevated pedestrian walkways or "skywalks," or *gross floor area* may not be constructed above, over, or within existing or designated view corridors unless compelling reasons exist to ensure safe pedestrian improvements and where no feasible alternatives for pedestrian access are available.

TABLE 156-0310-B: VIEW CORRIDOR STEPBACKS

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
Ivy 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		
– West of Pacific Highway	20	Ground Level
– Pacific Highway to Kettner Boulevard	15	30
– Kettner Boulevard to Sixth Avenue	15	50
Ash		
– West of Kettner Boulevard	25	50
– Kettner Boulevard to Sixth Avenue (south side only)	15	50
A Street	25	50
B Street	25	50
C Street	25	50
Broadway		
– Harbor Drive to Pacific Hwy (W ½ block)	65	Ground Level
– Harbor Drive to Pacific Hwy (E ½ block)	55	Ground Level
– Pacific Hwy to Kettner Boulevard	40	Ground Level
– Between Kettner Boulevard and Park Boulevard	15	Ground Level
E Street	25	50
F Street	25	50
G Street	25	50
Pacific Highway	25	45-130
Kettner Boulevard	25	50
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 156-0310-A, and may be provided only within the Large Floorplate or Employment Overlay Districts, subject to the following regulations:

- (A) *Maximum Lot Coverage.* The maximum *lot coverage* for the *mid-zone* shall be 80 percent of the *lot* area.
- (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 Overlay Districts in accordance with Table 156-0310-A.
- (B) *Maximum Tower Dimensions.* The maximum *tower floor plate* dimensions shall be as specified in Table 156-0310-A. Dimensions of individual *towers* shall be measured from elevation drawings and regulate the maximum possible profile dimension for the *tower*, including *floor area* within oriel windows.
- (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) Two sides of a *tower* may be exempted from this *setback* requirement when it is determined through the *design review* process that the resulting design is improved and does not result in massing inconsistent with the neighborhood. This provision does not apply within the Little Italy Sun Access Overlay District.
 - (iii) In Neighborhood 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) If the *applicant* can demonstrate that construction techniques permit glazing with views into, and out from, habitable areas within the *tower*, this *setback* may be reduced to 10 feet if any existing *tower* on an adjacent parcel is located a minimum of 40 feet from the proposed *tower*; or
 - (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 20 percent of any *tower* (measured above the *building base*, or above the *mid-zone* for Employment Overlay and Large Floorplate Overlay Districts) shall achieve an articulated form and composition using architectural techniques as described in the Downtown Design Guidelines.

(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 *street* frontage, to the finished elevation of the second *floor*, shall be the average of:

- (1) 12 feet for buildings containing ground-*floor* residential uses;
- (2) 15 feet for buildings containing ground-*floor* non-residential uses; and
- (3) 20 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 minimum 15-foot ground-*floor* height.

(f) Commercial Space Depth

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

- (1) 25 feet along 75 percent of the commercial space frontage along a public *street*; or
- (2) 40 feet along 75 percent of the commercial space frontage along *main streets*; and
- (3) 15 feet along the remaining 25 percent of the commercial frontage if needed to accommodate other internal functions of the building.

(g) Residential *Development* Requirements

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

(1) 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 in each direction, or 40 feet between opposing building walls 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 156-0310-C.

TABLE 156-0310-C: COMMON OUTDOOR OPEN SPACE	
<i>Lot Size</i>	% Common Outdoor Open Space
≤10,000 sf	10
10,001 – 30,000 sf	15
>30,000	20

- (2) *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.
- (3) *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 in depth and width. 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.
- (4) *Pet Open Space.* Each *development* shall provide a minimum area of 100 square feet for every 200 *dwelling units*, or portion thereof, improved for use by pets and 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).

- (5) Commercial buildings that have been used for commercial uses for at least five years may be converted to a residential use without meeting the requirements listed in Section 156.0310(g)(1) through (4).

(h) *Outdoor Activities Development Regulations*

Buildings and *structures* approved under Section 156.0315(d) for use with *outdoor activities* are not required to comply with the requirements of Sections 156.0310(a)-(g).

(i) *Capital Improvement Program Projects*

Structures for *Capital Improvement Program Projects* are not required to comply with the requirements of Sections 156.0310(a)-(g).

(j) Refuse, Organic Waste, and Recyclable Materials Storage

Development shall be subject to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations in Sections 142.0805 through 142.0830, except that all storage areas shall be internal to the building and the minimum size requirements in Table 142-08B and Table 142-08C shall not apply. Recyclable materials and organic waste storage areas, shall, at a minimum, be equal in size to the area provided for refuse storage.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-16-2013 by O-20257 N.S.; effective 6-12-2013.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-19947 N. S., O-20117 N.S. and O-20368 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments. Click the link to view the Strikeout Ordinance highlighting changes to prior language

http://docs.sandiego.gov/municode_strikeout_ord/O-20368-SO.pdf]

(Amended 6-21-2019 by O-21084 N.S.; effective 8-8-2019.)

[Editors Note: Amendments as adopted by O-21084 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21084-SO.pdf]

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)
(Amended 8-12-2020 by O-21224 N.S.; effective 11-1-2020.)
(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf

(Amended 1-27-2022 by O-21416 N.S.; effective 2-26-2022.)

[Editors Note: Amendments as adopted by O-21416 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21416-SO.pdf]

(Amended 3-7-2023 by O-21619 N.S.; effective 5-6-2023.)

[Editors Note: Amendments as adopted by O-21619 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21619-SO.pdf]

§156.0311 Urban Design Regulations

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) Downtown Design Guidelines. The City Council has adopted the Downtown Design Guidelines by Resolution R-307143 which are on file in the office of the City Clerk as Document No. RR-307143. The Downtown Design Guidelines contain guiding principles for the design of downtown's major *streets*, buildings, and the public realm. The Downtown Design Guidelines are to be used in conjunction with this Article to evaluate *developments* for which a *development permit* is applied for under this Article.

- (b) **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. No stucco is allowed. 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.

- (c) **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 an *historical building*.

- (d) **Transparency**

- (1) 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.

- (2) A minimum of 25 percent of each *street* facing ground level residential unit between 3 and 12 feet above the sidewalk shall be comprised of clear, non-reflective windows. Windowsills may be no higher than 5 feet above the sidewalk level.

(e) *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.
- (2) All *blank walls* shall be enhanced with architectural detailing, material texture, ornamentation, or artwork.
- (3) On *lots* of 10,000 square feet or less, the percentage of linear frontage that may be *blank wall* may be increased to 40 percent.
- (4) On *lots* 5,000 square feet or less, the percentage of linear frontage that may be *blank wall* may be increased to 50 percent.
- (5) Within the Industrial/Transportation and Mixed Commercial districts, buildings designed for warehousing, storage, or light industrial uses may increase the percentage of *blank wall* to 40 percent, up to a maximum length of 50 feet.

(f) 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 18 inches above the balcony walking surface to the top of the balcony enclosure.

(g) Rooftops

- (1) *Penthouse* space, mechanical equipment, stair and elevator overruns, heliports, vertical roof attachments, and decorative roof construction are permitted to achieve distinctive building tops, provided that the building top is designed as an integral part of the architectural design.

- (2) All mechanical equipment, appurtenances, and access areas shall be intentionally grouped and architecturally *screened* within fully covered enclosures consistent with the overall composition of the building. Mechanical enclosures shall have a *screened* or louvered top to improve views from above and to provide required air circulation. Multiple roof-top individual condenser units located in orderly and linear patterns may be exempted from overhead screening through the *design review* process.

(h) *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) Oriel windows must be at least 12 feet above the adjoining sidewalk *grade*.
 - (B) The maximum width of any oriel window is 12 feet. Such windows must be horizontally separated by at least 6 feet.
 - (C) Oriel windows may constitute no more than 30 percent of the *building facade* surface area on which they are located. If two adjacent oriel windows are connected by a balcony (open or solid railing), the entire perimeter of oriels and balconies is treated as one projecting surface for purposes of this calculation.
 - (D) Oriel windows (measured to finished exterior dimension) shall not project more than 4 feet into a *public right-of-way* and shall not extend beyond the curb line.
 - (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, *marquees*, and *architectural projections* may be permitted in accordance with Chapter 14, Article 2, Division 12 of this Code.
- (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 *encroachment* shall be allowed to conflict with any approved plan for *street* tree planting and shall maintain a continuous clear zone for such planting for a depth of 8 feet.
- (i) 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.

(j) *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.

(k) 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 *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) Realization of the Bay-to-Park Link;
 - (B) Revitalization of the East Village; and
 - (C) Reinforcement of the South Embarcadero.

- (3) Character. The following strategies form the basis of the design of buildings, streetscapes, plazas, and open spaces within the district:
 - (A) Scale and Feeling of Public Space. Maintain and reinforce the existing pedestrian scale appropriate to small numbers of people as well as larger crowds.
 - (B) Language and Vocabulary of the District. Employ elements to reinforce the spatial *structure* of the district, to convey the symbolism of the Ballpark Mixed-Use District, and to provide information and directions.
 - (C) Territoriality of Public Space. All spaces should have a sense of ownership.
 - (D) Composition and Juxtaposition of Elements. Buildings, streetscape improvements, and landscaping should be designed to create a memorable experience.
 - (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 five 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) Vertical and horizontal articulation of the facade utilizing cornices, belt courses and banding, plane changes, variation in window openings, and other architectural elements are encouraged.

- (vii) *Building facades* should be visually terminated through the use of cornices, parapets, hip and stepped terraces, and other forms of multi-faceted tops.
 - (viii) Facades should introduce special treatments at major entrances, building corners, *street* corners, and *street-end* view termini.
 - (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) Buildings should be built to a maximum height of six *floors* or 80 feet to complement and transition the scale of the ballpark to the Gaslamp District. *Development* above this height should be stepped back by 10 feet, or introduce a clear material delineation that achieves the same visual effect.
 - (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.
- (I) 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)*.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

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Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21619-SO.pdf]

§156.0312 Performance Standards

(a) General Standards

The following performance standards apply to all land use classifications including the use of existing *structures*, expansion of *previously conforming* land uses and proposed land uses.

- (1) No use, activity, or process shall produce continuous noise, vibrations, or noxious odors that are perceptible without instruments by the average person at the *property lines* of a site or above the site.
- (2) No use, activity, or process shall produce continual loading or unloading of heavy trucks at the site, exclusive of permitted industrial uses.
- (3) All outdoor lighting shall be shielded or directed away so that direct light or glare does not adversely impact adjacent land uses or the *public right-of-way*.

- (4) All storage and mechanical equipment shall be enclosed in a *structure* and completely *screened* from view.
- (5) No use shall be operated in a manner that produces off-site impacts such as noise, litter, or disruptive conduct from its tenants or patrons.

(b) Building Reflectance

In order to maximize daylight on *streets* and open spaces and reduce heat-island build up, materials with high light reflectance shall be used, without producing glare. Above a height of 75 feet, exterior building finishes shall be predominantly lighter colors and materials.

(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) Light, Glare and Shadow Impacts. All *development* proposals exceeding 75 feet in height shall include a light, glare and shadow study evaluating adverse impacts from *development* on the ballpark operations. No *development* will be allowed to produce light, glare, or shadows that will interfere with any sports activity occurring within the ballpark or enjoyment of such activities by members of the public observing from the viewing stands.
- (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*.

(Amended 5-6-2010 by O-19947 N.S; effective 6-5-2010.)

[Editors Note: Amendments as adopted by O-19947 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.]

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

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

The parking requirements in Table 156-0313-A and Section 156.0313(a) shall apply to residential uses. *Reasonable accommodations* to the parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law, in accordance with Section 131.0466. The provision of loading areas for residential uses shall not be required.

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

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		See Section 156.0313(a)(1) for bicycle storage requirements
<i>Living Units</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	0		1 space per every 6 beds and 1 space per on-site employee		

- (1) 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.
- (2) Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:
 - (A) The *off-street parking spaces* shall consist only of *unbundled parking*.
 - (B) The number of accessible *off-street parking spaces* shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).
 - (C) The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.
 - (D) One motorcycle parking space shall be provided for every ten parking spaces.
- (3) Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A *development* may exceed the maximum *off-street parking spaces* identified in Table 156-0313-A if all of the following provisions are met:
 - (A) The *development floor area ratio* is no less than 80 percent of the base maximum *floor area ratio*;
 - (B) At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations; and
 - (C) The *development* provides transportation amenities in accordance with Land Development Manual Appendix Q worth at least four points;
 - (D) All *off-street parking spaces* that exceed the allowed maximum shall be within an underground parking garage on the same *premises*; and

(E) The *development* shall pay the Active Transportation In Lieu Fee referenced in Section 143.1103(c).

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

- (1) There shall be no requirements for the provision of parking or loading areas for non-residential uses.
- (2) If parking is provided, then one motorcycle parking space shall be provided for every twenty vehicle spaces.
- (3) Bicycle parking shall be provided in accordance with Chapter 14, Article 2, Division 5 of the Land Development Code.

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

The parking requirements in Table 156-0313-C shall apply to *developments* located west of California Street between Harbor Drive and West Laurel Street. *Reasonable accommodations* to the parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law, in accordance with Section 131.0466.

- (1) **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.
- (2) **Provided Parking.** If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:
 - (A) The *off-street parking spaces* shall consist only of *unbundled parking*.
 - (B) The number of accessible *off-street parking spaces* shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).
 - (C) The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.

- (D) One motorcycle parking space shall be provided for every ten parking spaces.
- (3) Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A *development* may exceed the maximum *off-street parking spaces* identified in Table 156-0313-C if all of the following apply:
 - (A) The *development floor area ratio* is no less than 80 percent of the base maximum *floor area ratio*; and
 - (B) At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations; and
 - (C) The *development* provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and
 - (D) All *off-street parking spaces* that exceed the allowed maximum shall be within an underground parking garage on the same *premises*.

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

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	0		1 space per every 6 beds and 1 space per on-site employee		
Office	0				
Hotel	0				
Warehouse & Storage	0				
Retail	0				
Restaurant	0				

(d) Enclosed Parking

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

(e) 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 10,000 square feet in area or less.
- (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) 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.
- (5) Only two levels of below-*grade* parking are required for *developments* in which all above-*grade* parking is encapsulated with habitable area along all *street frontages*.

(f) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces.

(g) *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*.
- (F) All above-*grade* parking facilities directly abutting a public *street* shall exhibit level floor areas for a minimum distance of 40 feet from the *property line* to allow for future conversion to habitable uses.

- (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*.

(h) Surface Parking Lot Standards

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

- (1) Temporary surface parking lots may be permitted with approval of a Conditional Use Permit in accordance with Process Three for a maximum period of two years subject to the following standards:
 - (A) Along all public *street frontages*, a minimum 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) One tree shall be planted for every 12 parking stalls. All trees shall be planted in at least 36-inch containers. Along all public *street frontages* a double-row of canopy trees shall be provided at intervals of 10 feet.
- (C) Parking lots shall be improved with appropriate paving, striping, and security lighting to City standards.
- (D) A Conditional Use Permit for a temporary surface parking lot may not be renewed.

- (2) Every vehicular access point to a public parking lot 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.

(i) 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).

(j) 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.

(k) Vehicular Access

- (1) All driveways shall be perpendicular to the public sidewalk.
- (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.

(l) 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 for parking garages 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*. Security gates shall be constructed of an upgraded screening material that is at least 80% non-transparent.

(m) *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.

(n) *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 25 points by implementing *TDM* measures contained in Table 156-0313-D.

TABLE 156-0313-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)	
Points	Measure
20	Five-year, 50% subsidy for transit passes for employee occupants
5	Designated shuttle stop, including signage, seating, lighting and on-going maintenance, for the publicly accessible shuttle serving the downtown area, with routing to include key destination points such as airport, hotels, and visitor-serving facilities.
15	"Shared Use Vehicles" - a minimum of 1 vehicle shall be provided for every 50,000 square feet of leasable <i>gross floor area</i> .
15	Electric, natural gas, fuel cells, fueling stations - a minimum of 1 space per 30,000 square feet of office space, a minimum of 1 space per 100 <i>hotel</i> rooms -a minimum of 50% of the stations shall be electric vehicle charging stations
10	On-site day-care
5	Bicycle storage - a minimum of 1 space for every 10 parking spaces
5	Upgraded transit stop adjacent to new <i>development</i> , including shelter, seating, lighting and ongoing routine maintenance through an agreement with the appropriate transit agency for the life of the improvement.
5	On-site shower facilities available to all tenants/employees of a building -a minimum of 1 space per 100,000 square feet of office space -a minimum of 1 space per 100 <i>hotel</i> rooms
5	Participation by building management and tenants in carpool coordination, ridesharing and car-sharing programs.
5	Discounted parking rates for carpools containing three or more adults - minimum 25% discount
5	Preferential parking for car-sharing, carpool and vanpool (minimum 5% of permitted parking)
5	Discounted parking rates for vehicles with CARB classifications ULEV, SULEV, PZEV, and ZEV - minimum 20% discount

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-16-2013 by O-20257 N.S.; effective 6-12-2013.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

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(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

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(Amended 12-17-2021 by O-21401 N.S.; effective 1-16-2022.)

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§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) 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.

- (D) Within the Centre City Planned District, the provision for Sign Category A of Chapter 14, Article 2, Division 12 shall apply, except in the Coastal Overlay Zone where Sign Category C shall apply.

(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) The logo must be designed as an integral part of the exterior of the building.
- (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 156-0314-A.
- (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 156-0314-A.

TABLE 156-0314-A: LOGOS AND LETTERING		
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 Four.

All other *signs* within the Ballpark Mixed-Use District shall comply with the *sign* regulations in Chapter 14, Article 2, Division 12 of this Code. *Signs* that do not comply with all the *sign* regulation requirements may be approved with a comprehensive *sign* plan in accordance with Process Two. All comprehensive *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 Ballpark 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.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

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[Editors Note: Amendments as adopted by O-21084 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21084-SO.pdf]

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(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf

§156.0315 Separately Regulated Uses

(a) On-Site Alcohol Beverage Sales

The sale of alcoholic beverages for on-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:

- (1) *Bona-fide eating establishments* that offer made-to-order food during all business hours may provide alcoholic beverages on the *premises* by right.
- (2) Non *bona-fide eating establishments*, bars, assembly and entertainment uses, *outdoor activities* and other similar commercial establishments that provide alcoholic beverages for consumption on the *premises* shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.

(b) Off-Site Alcohol Beverage Sales

The sale of alcoholic beverages for off-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:

- (1) Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided in Sections 156.0315(b)(2), (3) and (4) below:
 - (A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
 - (B) No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
 - (C) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m.
 - (D) After conducting a public hearing, the Hearing Officer may approve exceptions to 156.0315(b)(1)(C) 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.
- (2) *Brewpubs* offering alcoholic beverages manufactured by the business for off-site consumption as an *accessory use* are permitted, subject to the following regulations:
 - (A) A *bona-fide eating establishment* shall be the *primary use* on the *premises* with made-to-order food available during all hours of operation.
 - (B) An accessory alcohol manufacturing operation must be operated on the *premises*.
 - (C) No malt beverage, wine, or similar products shall be sold in less than 16.9-ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles.

- (D) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the *findings* in Section 156.0315(b)(1)(D).
- (3) *Brewpub tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption as an *accessory use* shall be subject to the following regulations:
 - (A) An alcohol manufacturing operation must be operated on the *premises*.
 - (B) No malt beverage, wine, or similar products shall be sold in less than 16.9-ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles.
 - (C) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the *findings* in Section 156.0315(b)(1)(D).
- (4) *Brewery tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption shall be subject to the following regulations:
 - (A) The *gross floor area* of the establishment shall not exceed 5,000 square feet;
 - (B) The establishment shall provide for on-site consumption of the products manufactured by the business;
 - (C) No malt beverage shall be sold for off-site consumption in less than 16.9-ounce quantities; and
 - (D) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three, upon making the *findings* in Section 156.0315(b)(1)(D).

(c) *Live entertainment*

The provision of *live entertainment* shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

(1) *Acoustic live entertainment*

- (A) *Bona-fide eating establishments* may offer performances by live acoustic musicians, dancers, or similar performers as an *accessory use* up to 11:00 p.m., if the performance is not audible outside of the establishment.
- (B) Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.

(2) *Non-acoustic live entertainment*

- (A) Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.
- (B) If located upon or adjacent to a *premises* containing residential land uses, the establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.

(3) *Hotels and motels* offering *live entertainment* in an area completely enclosed within the building and accessed solely through the lobby area are not subject to Section 156.0315(c)(1) or (2), if the *live entertainment* is not audible outside of the building.

(4) *Live entertainment* located outside of an enclosed building

(A) Establishments offering *live entertainment* outside of an enclosed building shall obtain a Conditional Use Permit in accordance with Process Three. The establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate noise and vibration impacts to the surrounding neighborhood.

(5) Sound and amplification equipment associated with *live entertainment* shall conform to the noise abatement and control regulations of Chapter 5, Article 9.5 of this Code.

(d) *Outdoor Use Areas*

Outdoor Use Areas are subject to the following regulations:

- (1) The hours of operation of an *Outdoor Use Area* shall be limited to no later than 10:00 p.m. Sunday through Thursday, and no later than 11:00 p.m. Friday through Saturday.
- (2) Smoking and vaping is not permitted with an *Outdoor Use Area*, at any time. For the purpose of this section, the terms smoke, smoking, vape, and vaping have the same meanings as in Section 43.1001.
- (3) Any establishment with an *Outdoor Use Area* located above the ground-level and/or that is greater than 350 square feet in area shall obtain a Neighborhood Use Permit in accordance with a Process Two.

(e) *Outdoor activities*

Outdoor activities include a variety of community serving uses and events and may include the use of *structures* and small buildings. *Applicants* proposing the use of any *structures* or small buildings shall obtain all necessary permits in accordance with state and local regulations. *Outdoor activities* are subject to the following additional regulations and permits:

- (1) *Outdoor activities* shall obtain a Neighborhood Use Permit in accordance with Process Two.
- (2) *Outdoor activities* may offer *live entertainment* for no more than six days per calendar year through the approval of one or more Temporary Use Permits.

- (3) *Outdoor activities* shall be required to obtain a Conditional Use Permit in accordance with Process Three if *live entertainment* is offered more than six days per calendar year.
- (f) *Alternative Interim Uses* within Neighborhood Mixed Use Centers and along *Main Streets* and *Commercial Streets* are permitted upon approval of a Conditional Use Permit in accordance with Process Three, when the following *findings* are made:
 - (1) The applicant has provided a market study or other evidence to demonstrate that *active commercial uses* are not currently economically viable in this location due to the level of development of the surrounding neighborhood.
 - (2) The building has been designed to accommodate *active commercial uses* in the future.

The initial term for a Conditional Use Permit permitting *Alternative Interim Uses* shall not exceed a ten-year period. Extensions may be approved in accordance with Section 126.0114, but shall not exceed an additional ten-year period.

- (g) *Living Units.*

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

- (1) Each *living unit* must have at least 150 square feet of net *floor* area. The average size of all *living units* may not exceed 350 square feet. When a *living unit* exceeds 400 square feet in area, existing underlying zone density and parking standards for a one *bedroom* apartment unit apply.
- (2) The maximum occupancy for a *living unit* is two persons.
- (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) A complete bathroom is not required in every *living unit*. However, a private toilet must be provided and be screened from the remainder of the unit.

- (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) Each *living unit* must be pre-wired for phone and cable television service.
- (7) Each *living unit development* shall include common interior space at a ratio of 5 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, exclusive of the manager's unit or units, 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 for a period of at least 55 years.

- (12) Relocation Requirements: *Living units* are subject to the regulations contained in Chapter 14, Article 3, Division 5 of this Code for Single Room Occupancy (*SRO*) *hotels*. The San Diego Housing Commission shall be responsible for enforcement of the tenant notice relocation assistance requirements.
- (13) *Living unit developments* are not required to comply with the residential *development* requirements of Section 156.0310(g).

(h) *Historical Resources*

All *development* proposals that may result in the alteration of an *historical resource*, or any site containing a structure over 45 years in age, shall be reviewed as provided in Chapters 11 through 14 of this Code.

(1) Minor Alterations

Minor alterations (as defined in Section 143.0250) to an *historical resource* shall be reviewed in accordance with Chapter 14, Article 3, Division 2 of this Code.

(2) Substantial Alterations

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

(i) *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 building* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. To minimize detrimental effects to neighboring properties, any separately regulated uses in a *historical building* shall comply with the regulations in Section 156.0315 (Centre City Planned District Ordinance Separately Regulated Uses) and Chapter 14, Article 1 (Separately Regulated Use Regulations).
- (3) The *historical building* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2.
- (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 building* in accordance with Historical Resources Regulations unless the *development* is approved through a Site Development Permit or Neighborhood Development Permit in accordance with Chapters 11 through 14.

(j) *Social Services Institutions, Transitional Housing* or Homeless Facilities

Applicants for a Conditional Use Permit for a *social service institution, transitional housing* or a homeless facility may request a modification to the standard *development* regulations, including separation requirements, found in Chapter 14 of this 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 and the owner or permittee of the previous location rescinds any existing Conditional Use Permit or *previously conforming* use rights pursuant to Section 126.0110(b).
- (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.

(k) *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 Section 131.0466.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-19947 N. S., O-20117 N. S. and O-20368 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20368-SO.pdf]

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

(Amended 1-8-2020 by O-21161 N.S.; effective 2-9-2020.)

(Amended 2-1-2021 by O-21288 N.S.; effective 3-3-2021.)

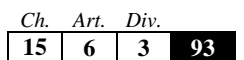
[Editors Note: Amendments as adopted by O-21288 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21288-SO.pdf

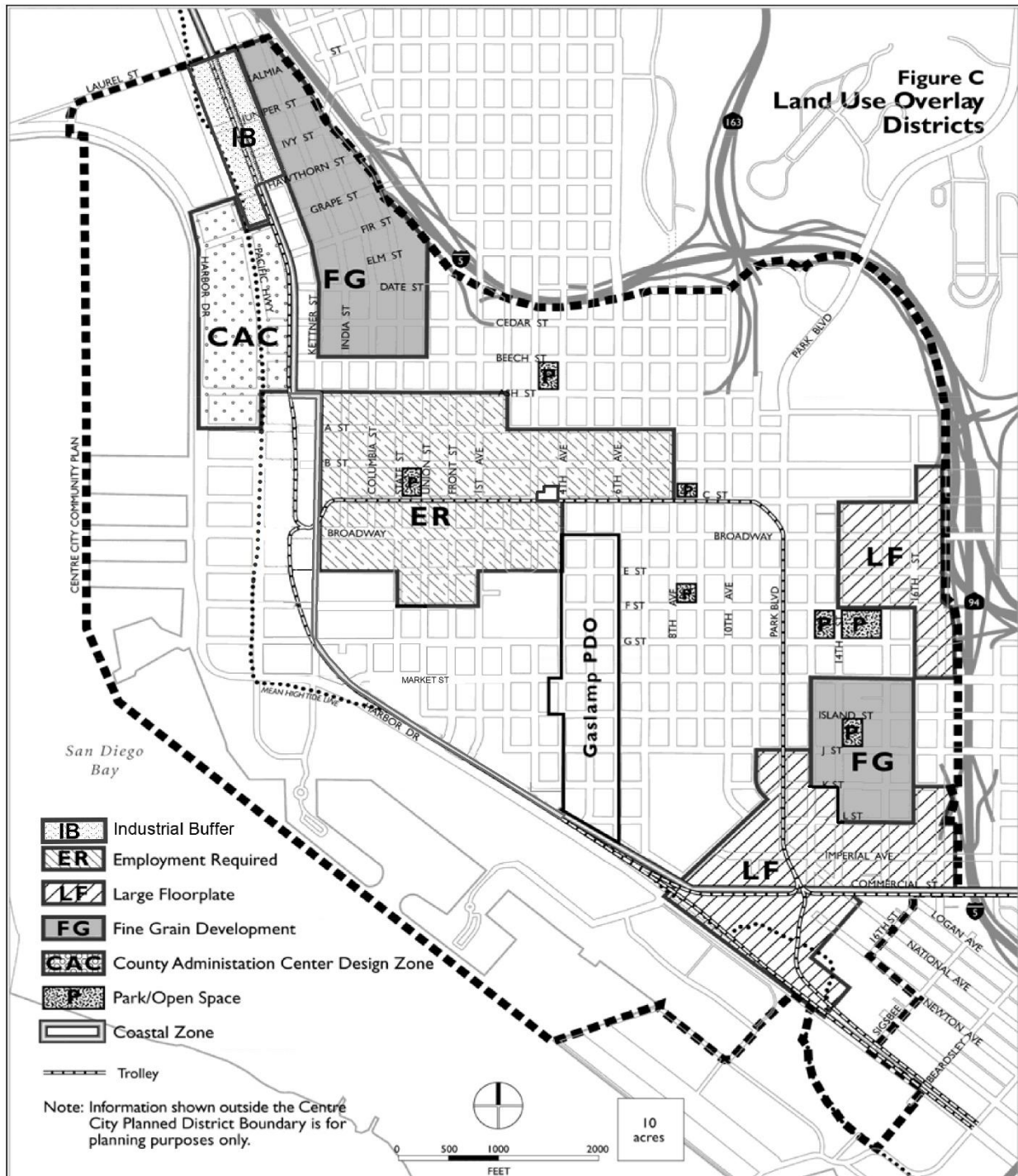
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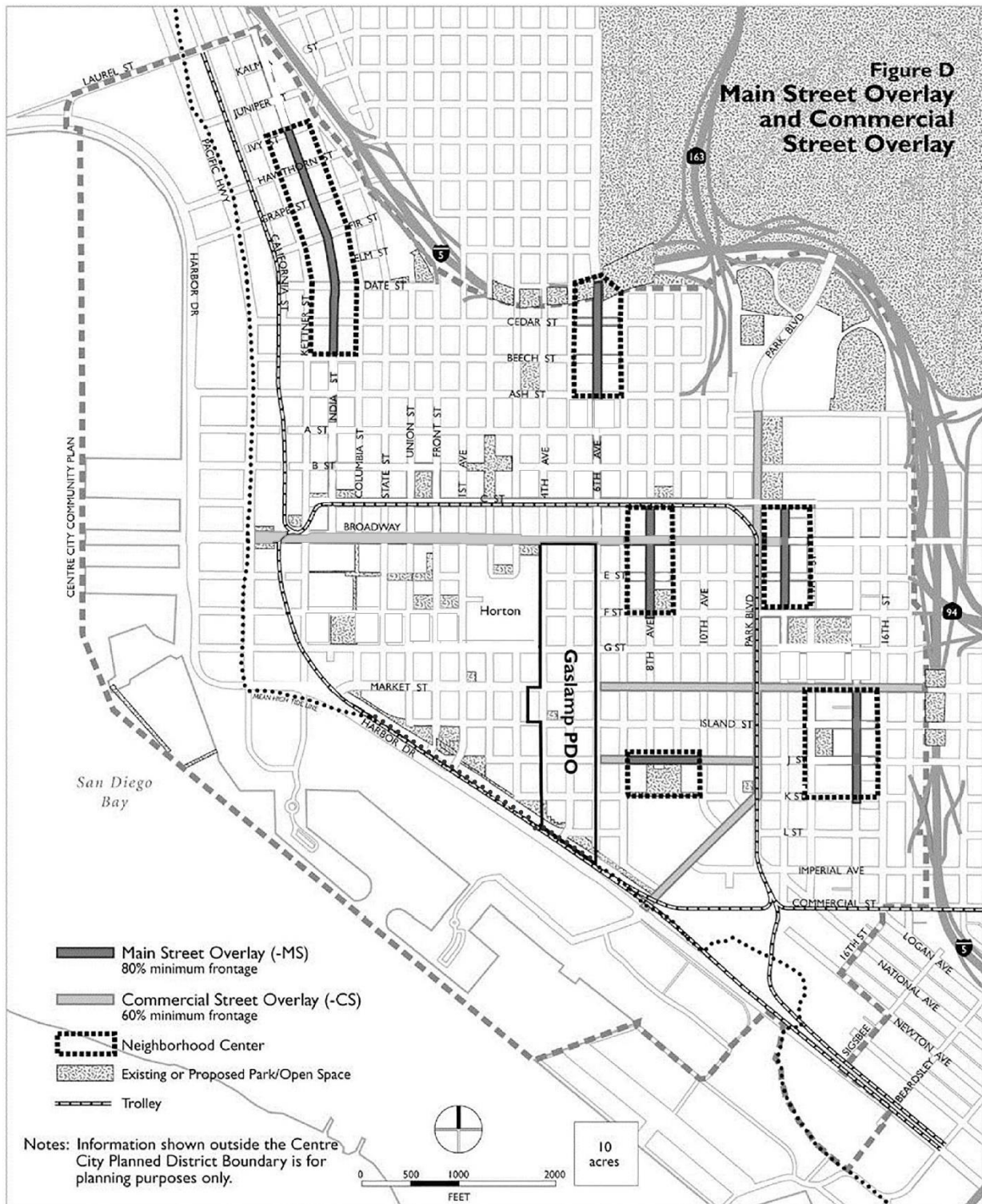
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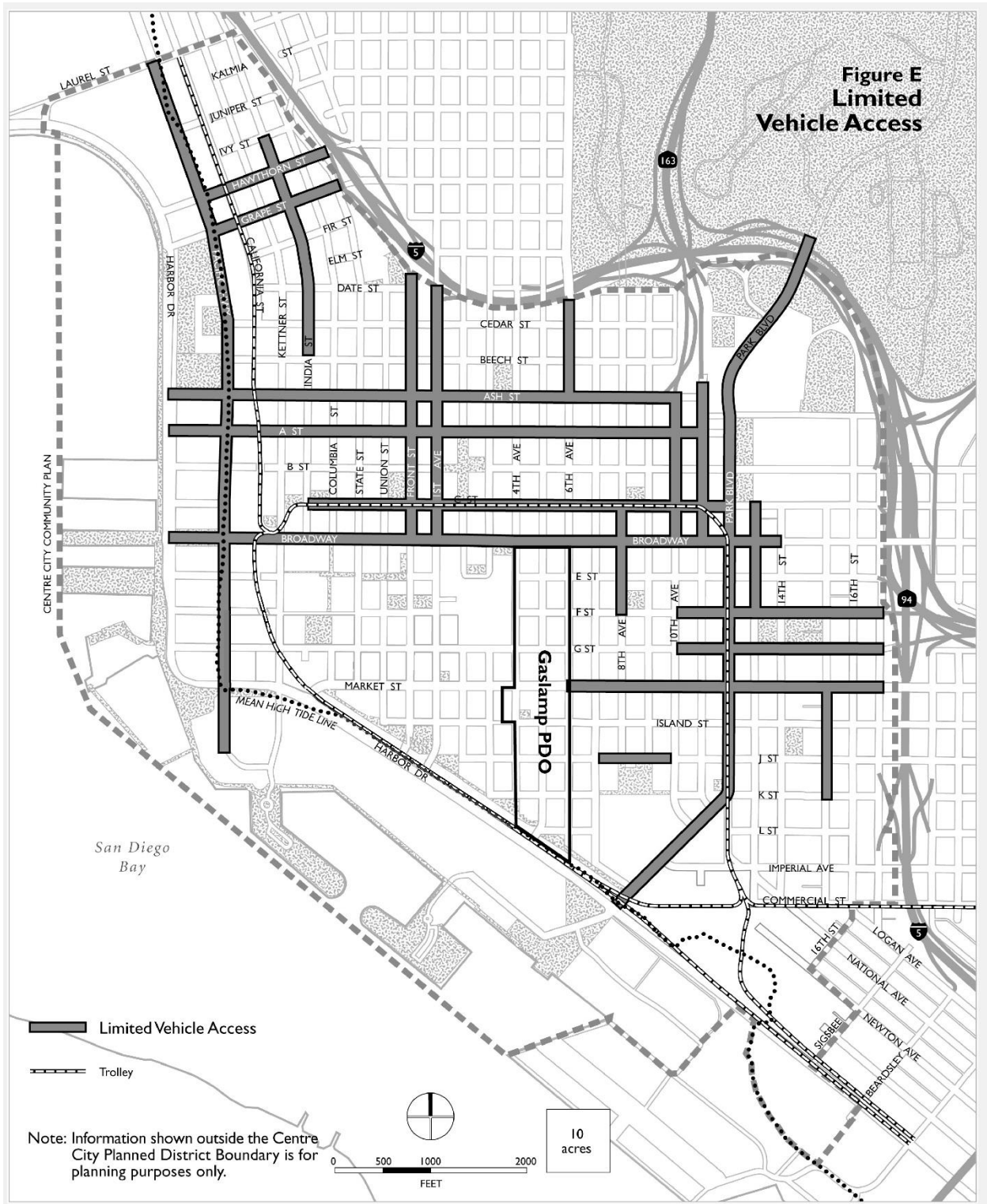
(Amended 3-7-2023 by O-21619 N.S.; effective 5-6-2023.)

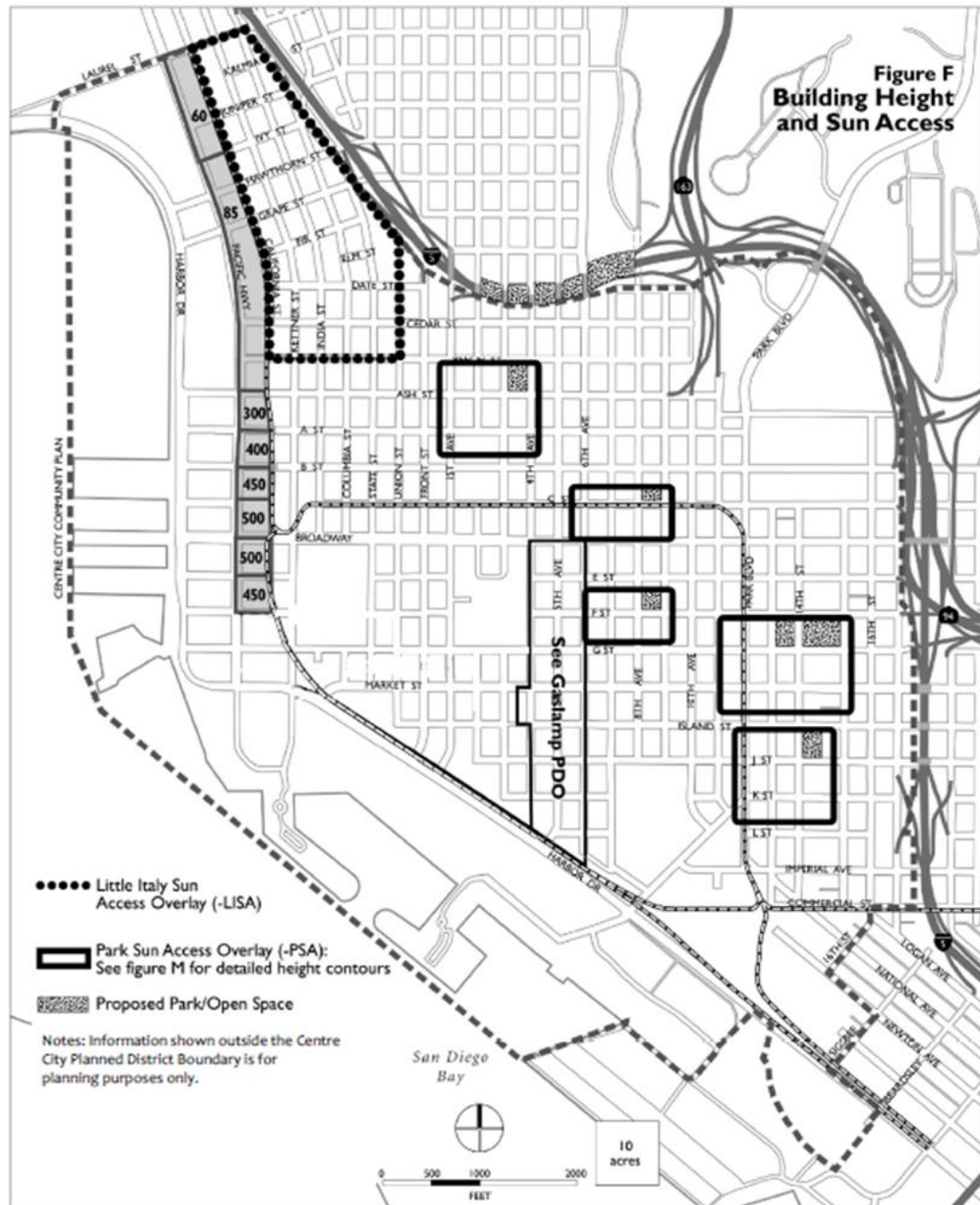
[Editors Note: Amendments as adopted by O-21619 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment. Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21619-SO.pdf]

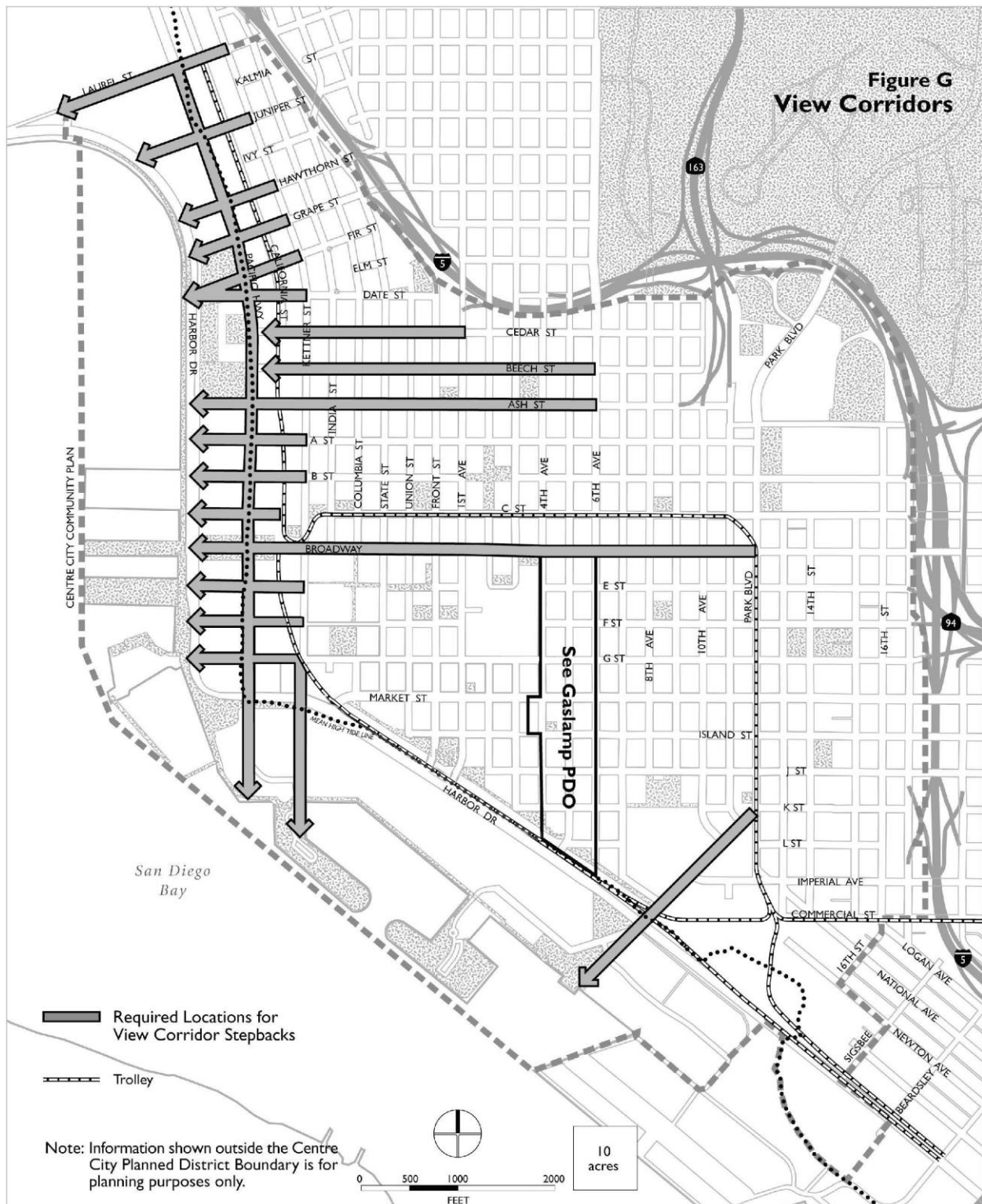


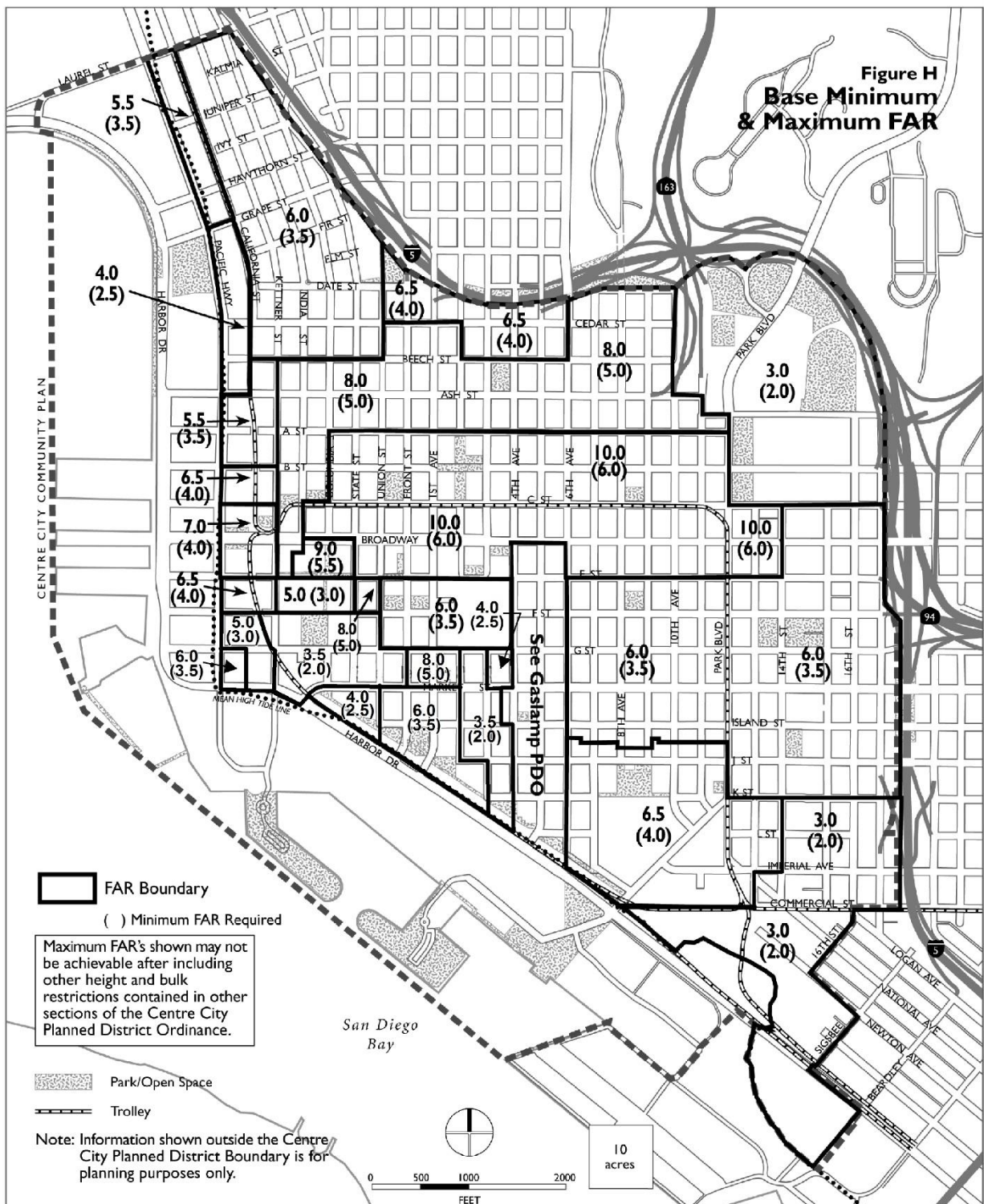












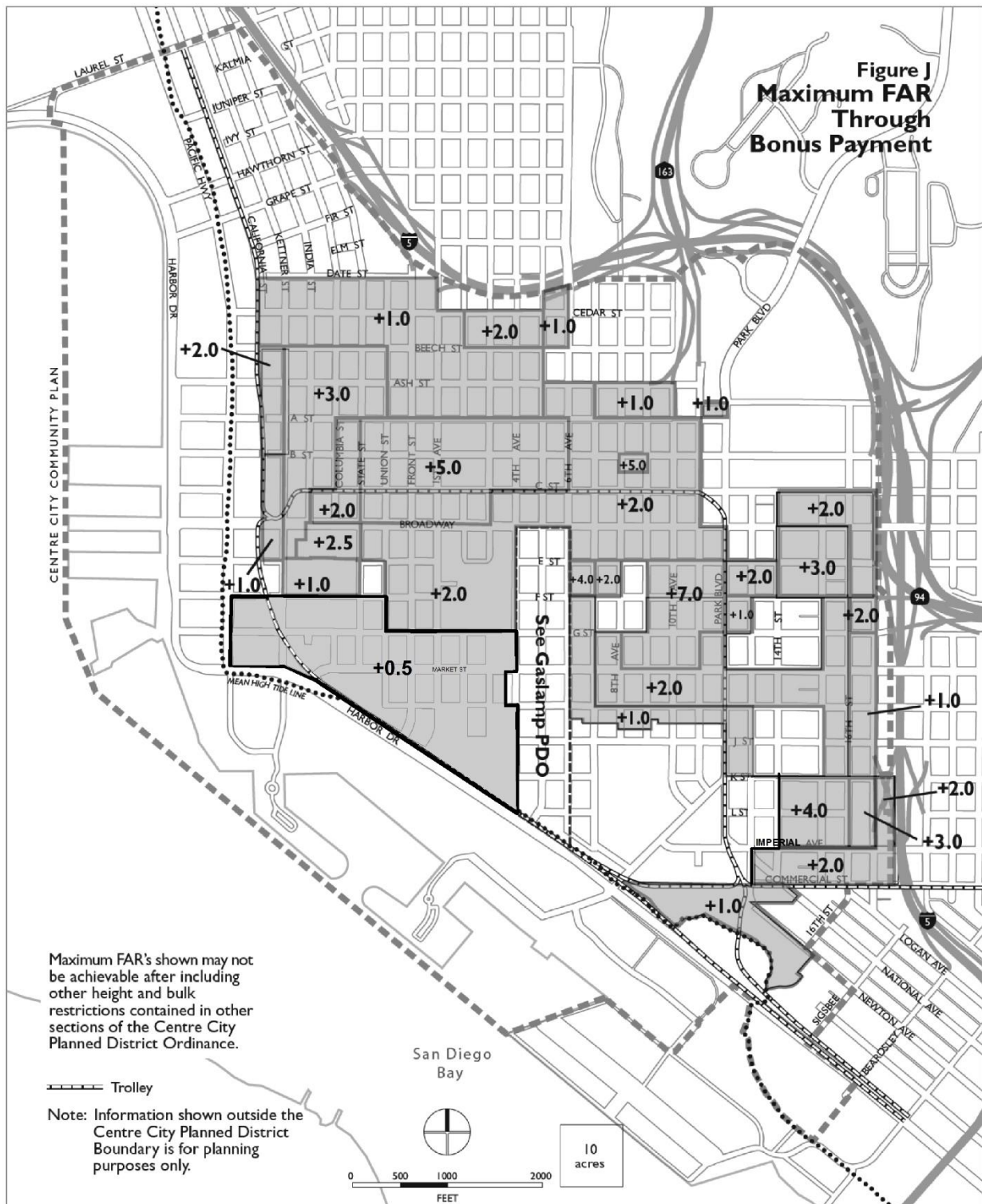
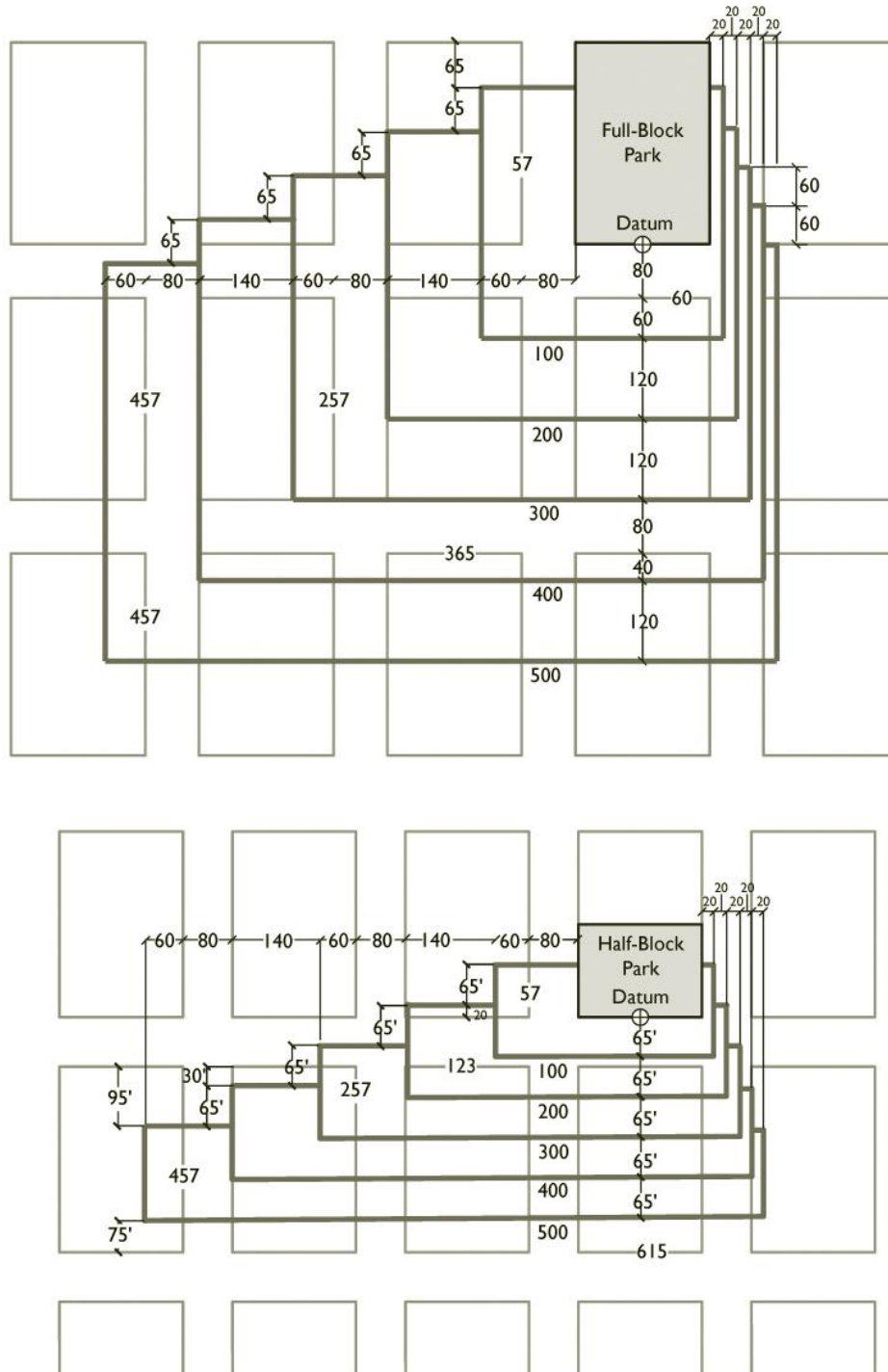
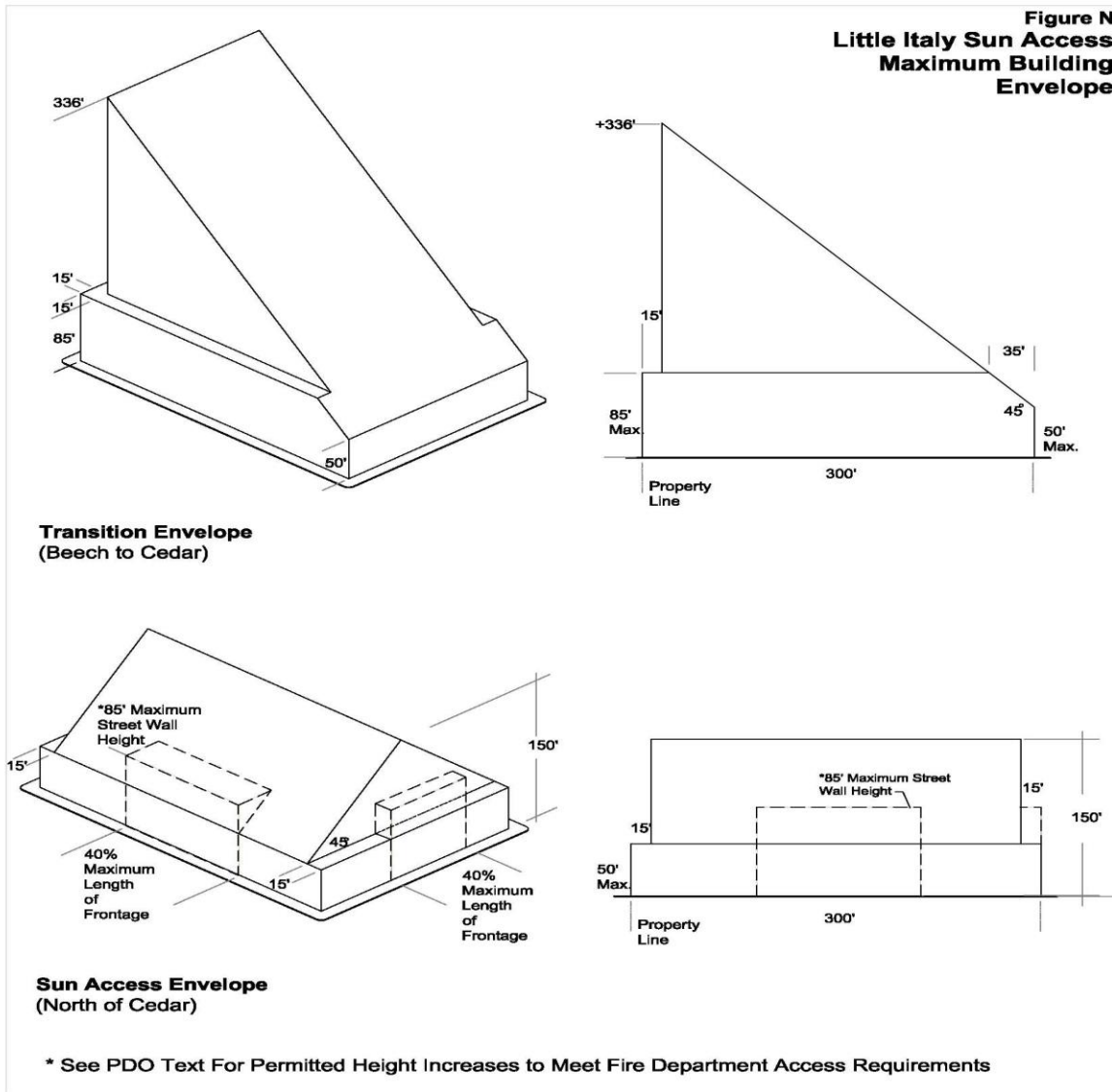


Figure M
Public Park Sun Access Height Limits



Note: All heights are measured relative to the datum indicated. If street dimensions are not 80 feet, the height contours shown govern.



(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)
(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)
(Amended 6-26-2012 by O-20176 N.S.; effective 7-26-2012.)
(Amended 5-16-2013 by O-20257 N.S.; effective 6-12-2013.)
(Amended 2-26-2013 by O-20351 N.S.; effective 5-16-2014.)
(Amended 5-15-2014 by O-20368 N.S.; effective 6-14-2014.)

[Editors Note: Amendments as adopted by O-20117 N. S., O-20176 N. S, O-20351 and O-20368 N.S will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20176-SO.pdf]
http://docs.sandiego.gov/municode_strikeout_ord/O-20351-SO.pdf]
http://docs.sandiego.gov/municode_strikeout_ord/O-20368-SO.pdf]

(Amended 3-23-2016 by O-20611 N.S.; effective 12-7-2016.)

(Amended 6-21-2019 by O-21084 N.S.; effective 8-8-2019.)

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Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21084-SO.pdf]

(Amended 8-9-2019 by O-21114 N.S.; effective 9-8-2019.)

(Amended 8-12-2020 by O-21224 N.S.; effective 11-1-2020.)

(Amended 12-9-2020 O-21271 N.S.; effective 1-8-2021.)

[Editors Note: Amendments as adopted by O-21271 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

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