STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0303, 156.0304, 156.0305, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, 156.0315, AND FIGURES B, C AND D, ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE.

§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~~ this 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~~ this Code appears in the text in italicized letters.

Active commercial uses [No change in text.]

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.

Bed and breakfast through *Bonus floor area ratio (Bonus FAR)*

[No change in text.]

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

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

~~*CCDC* means the Centre City Development Corporation.~~

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

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

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

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

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

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

Commercial streets through *Design Review* [No change in text.]

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

Employment uses through *Home occupations* [No change in text.]

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 through *Outfield Park* [No change in text.]

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

Pedestrian entrance through *Prescriptive Path* [No change in text.]

Private open space means an area connected or immediately adjacent to a *dwelling unit*. *Private open space* may include a balcony, porch, ~~ground~~ 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.

Public safety facility through *Urban open space* [No change in text.]

§156.0303 Centre City Land Development Manual

(a) ~~*CCDC*~~ *Civic San Diego* may establish and adopt application submittal requirements, review procedures, and guidelines to implement this Article. These implementation documents shall be known collectively as the Centre City Land Development Manual (~~*CCDC*~~ *Civic San Diego* Land Development Manual).

(b) The ~~*CCDC*~~ *Civic San Diego* Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The ~~*CCDC*~~ *Civic San Diego* Land Development Manual may be amended in one of the following ways:

(1) Minor amendments shall be approved by the ~~*CCDC*~~ *Civic San Diego President* after considering public comments according to the process established in the ~~*CCDC*~~ *Civic San Diego* Land

Development Manual. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.

(2) Major amendments to the ~~*CCDC*~~ *Civic San Diego* Land Development Manual shall be approved in accordance with Process Five. Major amendments include the creation or elimination of a chapter or chapters or other changes that do not qualify as minor amendments as provided in Section 156.030~~2~~3(b)(1).

(c) A copy of the ~~*CCDC*~~ *Civic San Diego* Land Development Manual shall be on file in the ~~*CCDC*~~ *Civic San Diego* offices.

(d) The ~~*CCDC*~~ *Civic San Diego* Land Development Manual includes, but is not limited to, the following:

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

§156.0304 Administration and Permits

(a) Administration

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

to implement the Downtown Community Plan. The City Manager shall administer the issuance of Zoning Use Certificates (ZUCs) in compliance with the land use classifications permitted in Table 156-0308A of this Division.

(b) [No change in text.]

(c) Overview of Decision Process

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

(1) Process One

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

(2) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the ~~*CCDC*~~ *Civic San Diego President* in accordance

with Section 112.0503 ~~of the Land Development this Code~~. An *applicant* or any person who has filed an application for appeal may appeal Process Two decisions in accordance with Section 112.0504 ~~of the Land Development Code~~, but Process Two appeals shall be considered by the ~~*CCDC*~~ *Civic San Diego Board* in lieu of the Planning Commission.

(3) Process Three

(i) An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by the ~~*CCDC*~~ *Civic San Diego* Hearing Officer in accordance with Section 112.0505 ~~of the Land Development this Code~~. *Applicants* or *interested persons* may appeal Process Three decisions in accordance with ~~s~~Section 112.0506 ~~of the Land Development Code~~, but Process Three appeals shall be considered by the ~~*CCDC*~~ *Civic San Diego Board* in lieu of the Planning Commission.

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

decision shall be final. Process Three Planned Development Permits shall be processed in accordance with Section 156.0304(f) ~~of this Division~~.

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

(d) Existing *Development* Approvals

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

Where a *DDA* or *OPA* has been executed with the former *Redevelopment Agency* prior to May 3, 2006, *development permits* may be reviewed and issued according to the regulations and laws in effect at the time of former *Redevelopment Agency* approval of the *DDA* or *OPA* and shall be subject to the terms of such agreements as long as they are in effect.

Development permits issued prior to May 3, 2006, may be amended by submitting an application under the provisions of this Article. Any *applicant* may request a deviation from the *development* standards and design guidelines in this Article, which may be granted if the ~~*CCDC*~~ *Civic San Diego President* finds that the *development* design complies with the regulations and laws in effect at the time of the approval, and either (1) the deviation is consistent with the intent of this Article; or (2) construction has already commenced under a valid building permit. Any approvals of deviations shall be through the *development* review process.

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

(e) Centre City Development Permit Process

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

(A) Administrative Review. Upon receipt of a complete Centre City Development Permit application, the ~~*CCDC*~~ *Civic San Diego President* shall conduct an administrative review of the *development* in accordance with Process One. The decision of the ~~*CCDC*~~ *Civic San Diego President* is final. If the *development* requires *Design Review* under Section 156.0304(e)(1)(B), then the ~~*CCDC*~~ *Civic San Diego President* shall not issue the permit until the *development* has received final *Design Review* approval.

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

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

(ii) *Development* with at least 100,000 square feet of *gross floor area*, at least 50 *dwelling units*, or 85 feet in height or above shall be reviewed and approved by the ~~CCDC~~ *Civic San Diego Board*. The ~~CCAC~~ Downtown Community Planning Council, or other official ~~recognized~~ community planning group recognized by the City Council, shall also review the *development* and make a recommendation to the ~~CCDC~~ *Civic San Diego Board.*

(iii) [No change in text.]

(iv) The ~~*CCDC*~~ *Civic San Diego Board* and ~~*CCAC*~~ Downtown Community Planning Council or other ~~recognized~~ official community planning group recognized by the City Council, may establish advisory committees to make recommendations for consideration in the *Design Review* process.

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

(i) [No change in text.]

(ii) *Development* proposals requiring *Design Review* approval by the ~~*CCDC*~~ *Civic San Diego Board* or approval by the City Council shall be noticed in accordance with Section 112.0302 ~~of the Land Development this Code~~. A Notice of Application shall be mailed to the persons entitled to notice listed in Section 112.0302(b). Further notice shall also be provided to all persons requesting notice of review meetings or decisions.

(iii) [No change in text.]

(D) Required *Findings*. A Centre City Development Permit may be granted if the decision-maker finds that the *development*, as submitted or modified, is consistent with the Downtown Community Plan, ~~Centre City *Redevelopment Plan*,~~ Centre City Planned District Ordinance, ~~*CCDC*~~ *Civic San Diego* Land Development Manual, San Diego Municipal Code, and all other adopted plans or policies of the City of San Diego ~~or~~

~~*Redevelopment Agency*~~ pertaining to the Centre City Planned District.

(E) Permit Issuance. If the ~~*CCDC*~~ *Civic San Diego President* approves a Centre City Development Permit, the application shall be referred to the ~~Development Services Department~~ City of San Diego for any other action as necessary. Denial of any Centre City Development Permit requires the ~~*CCDC*~~ *Civic San Diego President* to issue written findings of non-conformance with the provisions of this Article, the Downtown Community Plan, ~~Centre City *Redevelopment Plan*~~, or other applicable plans, policies, or guidelines adopted to implement the Downtown Community Plan.

(F) [No change in text.]

(2) *Development* Review Progression

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

(A) Basic Concept Drawings. This submittal shall illustrate the basic organization of the site and shall identify *historical resources* on the site and any adjoining *historical resources*. Plans shall be reviewed for two- and three-dimensional considerations such as the relationship of land uses within the *development*, relationship of the

development to proposed and existing land uses adjoining the site, including *historical resources*, siting considerations such as vehicular and pedestrian circulation, provision for *urban open space*, architectural composition, quality of proposed materials, and three-dimensional images of the *development*.

A narrative explanation of the design concept shall be provided. These drawings shall be the basis for obtaining a Centre City Development Permit and *Design Review* approval under this Division. ~~A three-dimensional building massing computer file (compatible with *CCDC*'s computer modeling software) shall also be provided.~~

(B) Design Development Drawings. This submittal shall be a refinement of, and resolve issues identified at, the Basic Concept Drawings stage. Drawings shall include accurate site surveys, floor plans, elevations, sections, design details, and a palette of exterior colors and materials. Additional submittal requirements, such as pedestrian and vehicular circulation, landscape plans, provision for servicing, off-site improvement drawings, utility infrastructure, exterior architectural features, or urban design features, shall also be provided ~~upon request by~~ to the ~~*CCDC*~~ *Civic San Diego President*, upon request.

(C) [No change in text.]

(f) Centre City Planned Development Permit Process

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

(1) Decision Process. Centre City Planned Development Permits may be approved, conditionally approved, or denied in accordance with Process Three. The ~~*CCDC*~~ *Civic San Diego Board* shall serve as the decision maker for Process Three Centre City Planned Development Permits. The decision of the ~~*CCDC*~~ *Civic San Diego Board* may be appealed to the Planning Commission as specified in Chapter 12, Article 6, Division 5 of ~~the Land Development~~ this Code.

(2) Findings for a Planned Development Permit

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

~~(iv) The proposed deviations will result in a *development* exhibiting superior architectural design.~~

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

(g) Revocation

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

(h) [No change in text.]

§156.0305 Rules of Calculation and Measurement

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

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

(d) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor* area count as *gross floor area* except where:

(1) [No change in text.]

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

(e) [No change in text.]

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

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

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

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance to the design of new *development* and shall be utilized in the permit review processes outlined in Section 156.0304(e)(1)(A) and (B) and Section 156.0304(f). Where there is a conflict between the Downtown Design Guidelines and this Article, the regulations of this Article shall govern. The Downtown Design Guidelines are filed in the office of the City Clerk as Document No. RR-307143. The Downtown Design Guidelines may be amended in one of the following ways:

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

(b) [No change in text.]

§156.0307 Land Use Districts

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

(a) B

ase Districts

The purpose of each base district is as follows:

(1) [No change in text.]

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

A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*. Within the NC District, a minimum of 40 percent of the ground-*floor frontage* facing onto a public *street* ~~*frontage*~~ or *public open space* (except for *Outfield Park)* shall contain *active commercial uses*. ~~A minimum of 80 percent of the ground-*floor street frontage* along *main streets* shall contain *active commercial uses*~~. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

(3) through (13) [No change in text.]

(b) Overlay Districts

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

(1) [No change in text.]

(2) Airport Approach Overlay Zone (AAOZ). This overlay district provides supplemental regulations for the properties surrounding the approach path for San Diego International Airport (SDIA) at Lindbergh Field, consistent with the Airport Land Use

Compatibility Plan (ALUCP) most recently adopted by the San Diego County Regional Airport Authority. The heights of buildings in this overlay zone are regulated by Chapter 13, Article 2 of ~~the Land Development~~ this Code. *Applicants* for *development* proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA) Obstruction Evaluation shall submit a Determination of No Hazard to Air Navigation to the ~~*CCDC*~~ *Civic San Diego President* and the City Manager prior to issuance of a building permit.

(3) [No change in text.]

(4) *Commercial Street* Overlay (CS). On *commercial streets,* a minimum of 60 percent of the ground-*floor street frontage* shall contain *active commercial uses*. Along the west side of Park Boulevard, a minimum of 40 percent of the ground-*floor street frontage* shall contain *active commercial uses*. Uses appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

(5) County Administration Center Design Zone Overlay (CAC). This overlay district ensures that new *development* surrounding the

historic County Administration Center on Pacific Highway is sympathetic in scale, character, and height to this important landmark. New *development* shall conform to the Design Guidelines for the Pacific Highway–County Administration Center Design Zone on file in the ~~*CCDC*~~ *Civic San Diego* offices.

(6) through (8) [No change in text.]

(9) Limited Vehicle Access Overlay. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(1)(4).

(~~9~~10) 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.

(1~~0~~1) *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. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(e).

(1~~1~~2) Park/Open Space Overlay (P). This overlay district identifies locations of existing and future *public* ~~park~~ *park* sites designated in the Downtown Community Plan.

(1~~2~~3) 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.

(1~~3~~4) 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.

§156.0308 Base District Use Regulations

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

	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	PF[10]	OS	CC[7]	Additional Regulations	*MS/CS & E Overlays*
Public Park/ Plaza/Open Space through **Commercial Services,** Assembly & Entertainment [No change in text.]	[No change in text.]														
With *Live Entertainment*	N/C	N/C	N/C	N/C	N/C	N/C	--	--	--	N/C	N/C	N/C	N/C	§156.0315(c)	

	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	PF[10]	OS	CC[7]	Additional Regulations	*MS/CS & E Overlays*
Commercial Services, With Outdoor Use Area through **Commercial Services**, Eating & Drinking Establishments [No change in text.]	[No change in text.]														
Bona-Fide Eating Establishments	[No change in text.]														
Brewpubs	P	P	P	P	P	P	P	--	--	P	P	P	P	§156.0315 (b)(2)	
Non-*Bona-Fide Eating Establishments* w/Alcohol	~~C~~N	~~C~~N	~~C~~N	~~C~~N	~~C~~N	~~C~~N	--N	--	--	~~C~~N	~~C~~N	--	~~C~~N	§156.0315 (~~a~~b)	MS, CS, E
Brewery Tasting Rooms	C	C	C	C	C	C	C	--	--	C	C	--	C	§156.0315 (b)(4)	
Brewpub Tasting Rooms	N	N	N	N	N	N	N	--	--	N	N	--	N	§156.0315 (b)(3)	
With Outdoor Use Area [No change in text.]	[No change in text.]														
With ~~Live Entertainment~~ *Live Entertainment* ~~& Dancing~~	~~C~~L/N/C	~~C~~L/N/C	~~C~~L/N/C	~~C~~L/N/C	~~C~~L/N/C	~~C~~L/N/C	--	--	--	~~C~~ L/N/C	~~C~~ L/N/C	--	~~C~~ L/N/C	§156.0315 (~~a~~c)	MS, CS, E
Mobile Food Trucks	[No change in text.]														
Commercial Services, Financial Institutions through **Separately Regulated Commercial Service Uses**, Instructional Studios [No change in text.]	[No change in text.]														
Outdoor Activities	N/C	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

	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	PF[10]	OS	CC[7]	Additional Regulations	*MS/CS & E Overlays*
Separately Regulated Commercial Service Uses, Parking Facilities (*structure* or surface)[8] through *Recycling Facilities,* Small and Large Processing Facilities [No change in text.]	[No change in text.]														
Sidewalk Cafes[12]	L/N	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	§141.0621	
Separately Regulated Commercial Service Uses, *SRO Hotels* through **Other Use Requirements,** Temporary Uses and *Structures* [No change in text.]	[No change in text.]														
~~*Outdoor Activities*~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~--~~	~~--~~	~~C~~	~~C~~	~~C~~	~~C~~		~~MS,CS~~

Footnotes to Table 156-0308-A

1 through 2 [No change in text.]
3 ~~Up to 200 rooms permitted.~~ Requires active ground-*floor* uses along *street frontage*s.
4 through 11 [No change in text.]
12 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.

TABLE 156-0308-B:

MINIMUM AND MAXIMUM PERMITTED *ACTIVE COMMERCIAL USE*[1]

[No change in text.]

§156.0309 *FAR* Regulations and *TDRs*

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

(e) FAR Bonuses

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. Table 156-0309-A shows the maximum amount of *FAR bonus* that may be earned by providing benefits or amenities, and Figure J shows the maximum *FAR bonus* that may be purchased for a site through the *FAR* Payment Bonus Program (exclusive of bonuses for affordable housing as described in Section 156.0309(e)(1)). *Applicants* utilizing the *FAR bonus* program shall have *CC&Rs* recorded on the property, ensuring that the benefits or amenities provided to earn the bonus are maintained in perpetuity, or in the case of affordable housing, for the duration specified in Section 156.0309(e)(1)(B)(iv).

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

TABLE 156-0309-A: FAR BONUS

[No change in text.]

(1) [No change in text.]

TABLE 156-0309-B: FAR BONUSES (%)			
% Restricted Units in Base (Pre-Bonus) FAR	***Very Low-Income*** **Rental** (0 – 50% AMI) **(Restricted for at least 55 years)**	***Low-Income*** **Rental** (51% - 80% AMI) **(Restricted for at least 55 years)**	**Moderate For-Sale (81- 120% AMI) (Restricted for at least 45 years)**
5	22	10	10
6	24	15	15
7	26	20	20

8	29	25	25
9	32	30	30
10 or more	35	35	35
~~11~~	"	"	"
~~13~~	"	"	"
~~14~~	"	"	"
~~15~~	"	"	"
~~16~~	"	"	"
~~17~~	"	"	"
~~18~~	"	"	"
~~19~~	"	"	"
~~20~~	"	"	"
~~21~~	"	"	"
~~22~~	"	"	"
~~23~~	"	"	"
~~24~~	"	"	"
~~25~~	"	"	"

(2) *Urban Open Space*. *Applicants* that reserve a portion of their site for the *development* of public *urban open space (public park* or plaza) may qualify for a *FAR bonus* of 0.5 or 1.0, as specified in Table 156-0309-A, subject to the following criteria:

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

(C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the open space area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the ~~*CCDC*~~ *Civic San Diego President* and the City Attorney's Office.

(3) [No change in text.]

(4) *Eco-Roof*s. *Eco-roof*s reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest. To encourage landscaped and ecologically

designed roof tops, a *FAR bonus* may be earned based on the amount of *eco-roof* area. *Eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the ~~*CCDC*~~ *Civic San Diego President* prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

(A) [No change in text.]

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

(C) [No change in text.]

(5) [No change in text.]

(6) Public Parking. One square foot of *FAR bonus* may be earned for every square foot of parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to ~~*CCDC*~~ *Civic San Diego* and the City of San Diego.

(7) [No change in text.]

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

(A) [No change in text.]

(B) *Prescriptive Path* allows *applicants* to select from a menu of green building options that improve performance in one or more CCG *Sustainability Indicators*. Each prescriptive measure is assigned a point value that represents the extent of impacts to the CCG *Sustainability Indicators*. Incentives earned depend upon the combined point total of the measures selected by the *applicant*. For specific details about the green building options, see the CCG Submittal Manual adopted by the ~~*CCDC Board*~~ former Centre City Development Corporation Board on July 27, 2011 on file in the office of the City Clerk as Document No. OO-20117. Performance levels determine the extent of *FAR bonuses* and are based on total points earned within the *Performance Path* or *Prescriptive Path*. The *FAR Bonus* for both the *Prescriptive* and *Performance Paths* are summarized in Table 156-0309-C.

Table 156-0309-C: GREEN BUILDING *FAR BONUS*

[No change in text.]

(C) [No change in text.]

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

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

(G) *LEED*®® Certification Performance Guarantee. *Applicants* requesting an *FAR Bonus* who propose to utilize the *Performance Path* through *LEED*®® certification shall, prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee approved by the ~~*CCDC*~~ *Civic San Diego President* and the City Attorney's Office to ensure that the *applicant* completes the *LEED*®® certification for the *development* as proposed to obtain an *FAR Bonus* under this Section. *LEED*®® certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a *LEED*®® Silver or Gold (or higher) level of performance. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the value which would be required to purchase an equivalent

amount of *FAR* under the *FAR* Payment Bonus Program, including any subsequent amendments in effect at the time of the *development* permit application. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*®® rating as proposed under this Section.

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

P = *FAR* $ x ((LCP-CPE)/LCP)

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

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

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

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

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

(f) Exemptions from *FAR* Calculations

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

(1) [No change in text.]

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

(3) Public Parking. Above-*grade* parking areas permanently available for public use shall not be counted as *gross floor area* for the

purposes of calculating the *FAR* for the *development*. A public parking easement shall be executed for such facilities with restrictions and covenants acceptable to ~~*CCDC*~~ *Civic San Diego* and the City of San Diego.

(4) [No change in text.]

(5) *Cultural Uses*. Any *floor* area provided within a *development* that is dedicated to a *cultural use* or other similar use as approved by the ~~*CCDC*~~ *Civic San Diego President*, shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. *CC&Rs* shall be recorded on the property ensuring the use of such space for similar *cultural uses* in perpetuity.

(g) *Transfer of Development Rights* (*TDR*) Program

(1) [No change in text.]

(2) Eligible Sites. Eligible *receiving sites* are those sites identified in Figure K. Eligible park *TDR sending sites* are those sites identified as future *public park* sites in the Downtown Community Plan and in Figure C. Eligible *historical resource TDR sending sites* must contain a *designated historical resource* and qualify under either (A) or (B) below:

(A) [No change in text.]

(B) The *historical resource* is in need of preservation, rehabilitation, or restoration and the ability to transfer *gross floor area* is needed to assist in the funding of such

preservation, rehabilitation, or restoration. In order to qualify as a *sending site*, the *applicant* must submit a study acceptable to the ~~*CCDC*~~ *Civic San Diego President* verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.

The ~~*CCDC*~~ *Civic San Diego President* has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion, upon recommendation from ~~*CCDC*~~ *Civic San Diego*, to approve a transfer of *gross floor area* to a *TDR* bank to be maintained and tracked by the ~~*CCDC*~~ *Civic San Diego President* on behalf of the City. The amount of *gross floor area* approved for transfer shall be determined based on the permitted transferable *gross floor area*, the extent of the rehabilitation and preservation costs needed for the *historical resource,* and the potential for appropriate future *development* on the *sending site* to achieve the goals and policies of the Downtown Community Plan and this Section.

(3) [No change in text.]

(4) Allowable Transfers. All of the allowable *gross floor area* on a *sending site* may be transferred in its entirety, to a single *receiving*

site or entity, or in separate increments to several *receiving sites* in accordance with the procedures of Section 156.0309(g)(7). *Gross floor area* may be transferred either directly from the owner of the *sending site* to the owner of a *receiving site*, or to a *TDR* bank maintained and tracked by the ~~*CCDC*~~ *Civic San Diego President* on behalf of the City. The City may acquire the *gross floor area* from the owner of a *sending site* and maintain such *gross floor area* for subsequent transfers to *receiving sites*.

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

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

(A) [No change in text.]

(i) [No change in text.]

(ii) Execution and acknowledgement of the transfer of the *gross floor area* by the transferor of the *gross floor area*, all parties with record title interest in the real property of the *sending site*, the transferees of the *gross floor area*, and the ~~*CCDC*~~ *Civic San Diego President*.

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

(B) Approval by ~~*CCDC*~~ *Civic San Diego President*. The ~~*CCDC*~~ *Civic San Diego President* shall not execute the *certificate of transfer* if a transfer of the *gross floor area*

would be prohibited by any provision of ~~the San Diego Municipal~~ 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 ~~*CCDC*~~ *Civic San Diego*, with copies to both the transferor and transferee of the *gross floor area*.

(D) [No change in text.]

(E) Approval for *Development*. When the use of *TDR* is necessary for the approval of a building permit for a *development* on a *receiving site,* the City shall not issue any building permits for that site unless the ~~*CCDC*~~ *Civic San Diego President* has issued a written verification that the owner of the *receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.

§156.0310 Development Regulations

(a) [No change in text.]

(b) Minimum Building *Setback*s. The ~~*CCDC*~~ *Civic San Diego President* may require up to a 10-foot interior *property line setback* where a *development*

is adjoining an existing residential *development* to maintain minimum provisions for light and air.

(c) Building Height. The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structure* 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) [No change in text.]

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

(C) *Street walls* ~~A~~along ~~one~~ each side of a building~~, a *street wall*~~ may be ~~increased to~~ a maximum height of 85 feet along a maximum of 40 percent of the building frontage to provide required Fire Department access. The building shall then *stepback* to comply with the *building envelope*s described in Sections 156.0310(c)(1)(A)-(B).

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

(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

[No change in text.]

(1) *Building Base*

(A) [No change in text.]

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

(i) ~~*Public parks* or plazas~~ *Urban open space* subject to the Downtown Design Guidelines;

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

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

TABLE 156-0310-B: VIEW CORRIDOR STEPBACKS

[No change in text.]

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

(e) Ground-*floor* Heights

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

(1) [No change in text.]

(2) 15 feet~~, but not less than 13 feet,~~ for buildings containing ground-*floor* non-residential uses; and

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

(f) [No change in text.]

(g) Residential *Development* Requirements

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

(1) [No change in text.]

TABLE 156-0310-C: COMMON OUTDOOR OPEN SPACE

[No change in text.]

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

(4) Storage. Each ~~*dwelling unit*~~ *development* shall provide a personal storage area in accordance with Chapter 13, Article 1, Division 4 of ~~the Land Development~~ this Code.~~–~~

(5) 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).

(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).

§156.0311 Urban Design Regulations

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

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

(e) *Blank Walls*

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

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

~~(6) Continuous *blank walls* shall be limited to 15 percent of a *building façade* area and have a maximum horizontal dimension of 15 feet. Such walls shall employ deep reveal scoring, texture or material changes to break up large surfaces.~~

(f) [No change in text.]

(g) Rooftops

(1) [No change in text.]

(2) All mechanical equipment, appurtenances, and access areas shall be intentionally grouped and architecturally *screen*ed within fully covered enclosures consistent with the overall composition of the building. Mechanical enclosures shall have a *screen*ed 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) [No change in text.]

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

(A) [No change in text.]

(B) The maximum width of any oriel window is 12 feet. Such windows must be horizontally separated by at least 6 feet. ~~Oriel windows may extend vertically no more than 50 feet continuously.~~

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

(3) Other Projections. Additional *encroachments* such as awnings, canopies, ~~and~~ *marquees*, and *architectural projections* may be permitted in accordance with Chapter 14, Article 2, Division 12 of ~~the Land Development~~ this Code. ~~An awning or non-horizontal element that wraps a building corner may be approved by the *CCDC President* in accordance with Process One upon finding that it provides a direct public benefit.~~

(4) [No change in text.]

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

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

(a) [No change in text.]

TABLE 156-0313-A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

Use Category	**Minimum**	**Notes**
Dwelling units through *Transitional Housing Facilities**	[No change in text.]	[No change in text.]

Use Category	Minimum	Notes
Affordable Housing Developments	See Section 142.0527	Developments within the Centre City Planned District shall utilize the Low Parking Demand (L) Category for the purposes of calculating the Reduced Parking Demand Housing Parking Ratios identified in Table 142-05D in Section 142.0527.

*[No change in text.]

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

(b) [No change in text.]

TABLE 156-0313-B

NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

(c) [No change in text.]

TABLE 156-0313-C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

[No change in text.]

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

(f) Below-*Grade* Parking

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

(1) [No change in text.]

(2) For *development* on sites that contain *designated historical resources*, the ~~*CCDC*~~ *Civic San Diego President* may approve an exception to the below-*grade* parking requirements upon finding that below-*grade* parking is infeasible due to the location or characteristics of the *historical resources*.

(3) For *development* on sites proven to be significantly impacted by the underground water table, the ~~*CCDC*~~ *Civic San Diego President* may approve an exception to the below-*grade* parking requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

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

(g) Existing Buildings

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

(h) [No change in text.]

(i) Surface Parking *Lot* Standards

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

(1) [No change in text.]

(2) For sites without an approved Centre City Development Permit or for parking *lots* improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking *lots:*

(A) Along all public *street frontage*s, 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) [No change in text.]

(3) [No change in text.]

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

(n) ~~*Centre City*~~ Centre City Cumulative Trip Generation Rates

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

(o) [No change in text.]

Table 156-0313-D: *TRANSPORTATION DEMAND MANAGEMENT (TDM)*

[No change in text.]

§156.0314 Sign Regulations

(a) *Sign* Regulations

(1) Application

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

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

TABLE 156-0314-A: *LOGOS* AND LETTERING

[No change in text.]

(4) Ballpark Mixed-Use District *Signs*

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

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

development directly adjacent thereto) within the Ballpark Mixed-Use District, may be approved, conditionally approved, or denied by ~~CCDC~~ *Civic San Diego* in accordance with Process Three and such *sign* plans shall be consistent with the following objectives:

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

§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 ~~have~~ offer made-to-order food ~~available~~ during all business hours may provide alcoholic beverages on the *premises* by right ~~subject to applicable state and local regulations. No additional permit is required.~~

~~(2) Establishments engaged in the sale of alcoholic beverages for on-site consumption without the sale of made-to-order food products shall be required to obtain a Conditional Use Permit in accordance with Process Three.~~

(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.

~~(3) Establishments engaged in the sale of alcoholic beverages for on-site consumption in conjunction with live entertainment and/or dancing shall be required to obtain a Conditional Use Permit in accordance with Process Three. Such uses shall comply with the following:~~

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

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

~~(C) *Applicants* for establishments where live entertainment or dancing is proposed within the same building as, or immediately adjacent to, residential uses, shall provide an acoustical study prepared by a qualified acoustical engineer that evaluates potential impacts to the residential occupants. Based on the results of the acoustical study, appropriate mitigation measures may be required.~~

~~(4) If any of the uses described in 156.0315(a)(2) and (3) are located within a *hotel* or *motel,* are enclosed completely within the building, and are accessed solely through the *hotel* or *motel* lobby area, they shall be permitted by right.~~

~~(5) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-site consumption Conditional Use Permit shall apply:~~

~~(A) 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 or 64 ounces per sale.~~

~~(C) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.~~

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

~~(E) After conducting a public hearing, the *CCDC* Hearing Officer may approve exceptions to 156.0315(a)(5)(C) or (D)(b)(1)(C) or (D) upon making the following *findings*:~~

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

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

(b) 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 required to obtain a Neighborhood Use Permit in accordance with Process Two, 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 required to obtain a Conditional Use Permit in accordance with Process Three, 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 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.

(e) *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 126.0113, but shall not exceed an additional ten-year period.

(~~b~~f) *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 shall be restricted to those persons with household income at or below 80 percent of area median income as published by the California Department of Housing and Community Development for San Diego County, as adjusted for a one-person household. The *development* owner shall enter into an agreement with the City of San Diego Housing Commission for the review and enforcement of such restrictions.

(12) Relocation Requirements: *Living units* are subject to the regulations contained in ~~Land Development Code~~ 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.

(~~e~~g) *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 ~~the Land Development~~ this Code.

(1) Minor Alterations

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

(2) Substantial Alterations

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

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

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

(1) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.

(2) The use of the *historical resource* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.

(3) The *historical resource* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2 of ~~the Land Development~~ this Code.

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

(~~e~~i) *Social Service~~s~~ Institutions, Transitional Housing* or Homeless Facilities *Applicants* for a Conditional Use Permit for a *social service~~s~~ institution*, *transitional housing* or a homeless facility may request a modification to the standard *development* regulations, including separation requirements, found in Chapter 14 of ~~the Land Development~~ 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) ~~of the Land Development Code~~.

(2) The institution or facility, due to its unique operations or uses, will not adversely impact the surrounding neighborhood, and there is a demonstrated need for the institution or facility that is not being met by existing services or facilities in the Downtown Community Plan area.

(~~f~~j) *Reasonable Accommodations*

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

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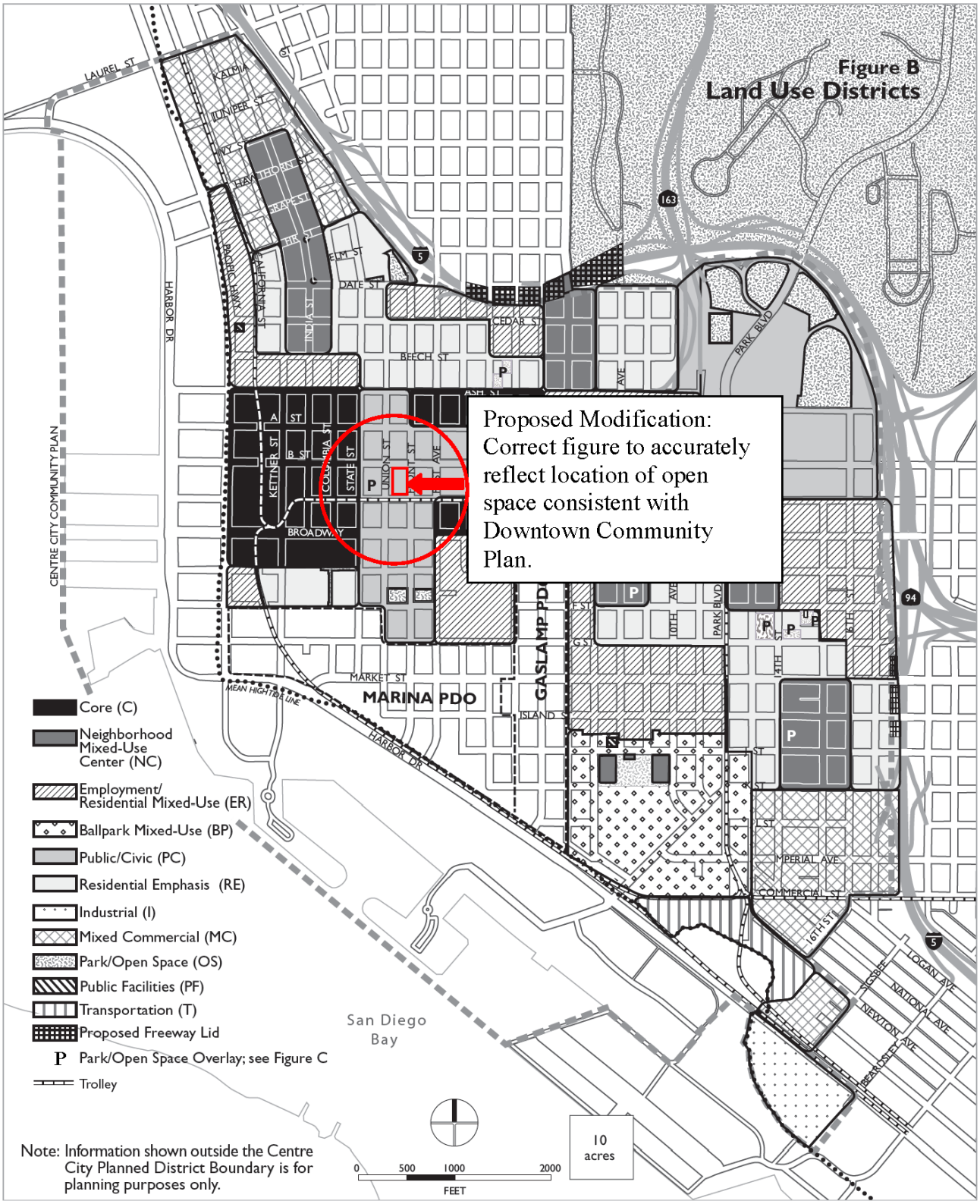
Figure B
Land Use Districts
Proposed Modification: Correct figure to accurately reflect location of open space consistent with Downtown Community Plan.
Core (C)
Neighborhood Mixed-Use Center (NC)
Employment/ Residential Mixed-Use (ER)
Ballpark Mixed-Use (BP)
Public/Civic (PC)
Residential Emphasis (RE)
Industrial (I)
Mixed Commercial (MC)
Park/Open Space (OS)
Public Facilities (PF)
Transportation (T)
Proposed Freeway Lid
P Park/Open Space Overlay; see Figure C
Trolley
Note: Information shown outside the Centre City Planned District Boundary is for planning purposes only.
0 500 1000 2000
FEET
10 acres
San Diego Bay
MARINA PDO
GASLAMP PDO
CENTRE CITY COMMUNITY PLAN
HARBOR DR
BROADWAY
MARKET ST
MEAN HIGH TIDE LINE
LAUREL ST
BEECH ST
CEDAR ST
ASH ST
PARK BLVD
IMPERIAL AVE
COMMERCIAL ST
16TH ST
LOGAN AVE
NATIONAL AVE
NEWTON AVE
BEARDSLEY AVE

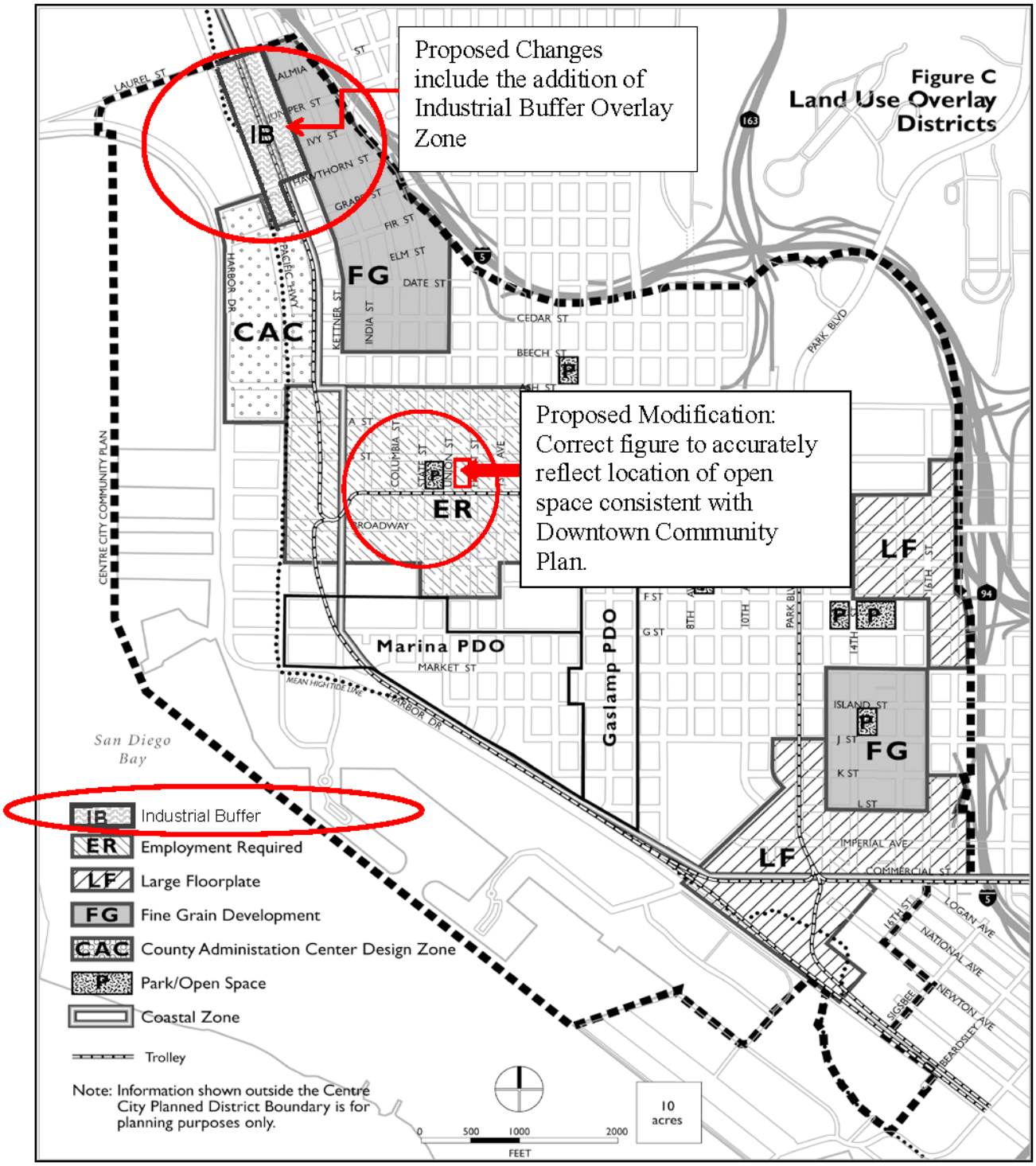
Figure C
Land Use Overlay Districts
Proposed Changes include the addition of Industrial Buffer Overlay Zone
Proposed Modification: Correct figure to accurately reflect location of open space consistent with Downtown Community Plan.
IB
FG
CAC
ER
LF
Marina PDO
Gaslamp PDO
CENTRE CITY COMMUNITY PLAN
San Diego Bay
Industrial Buffer
Employment Required
Large Floorplate
Fine Grain Development
County Administation Center Design Zone
Park/Open Space
Coastal Zone
Trolley
Note: Information shown outside the Centre City Planned District Boundary is for planning purposes only.
0 500 1000 2000
FEET
10 acres

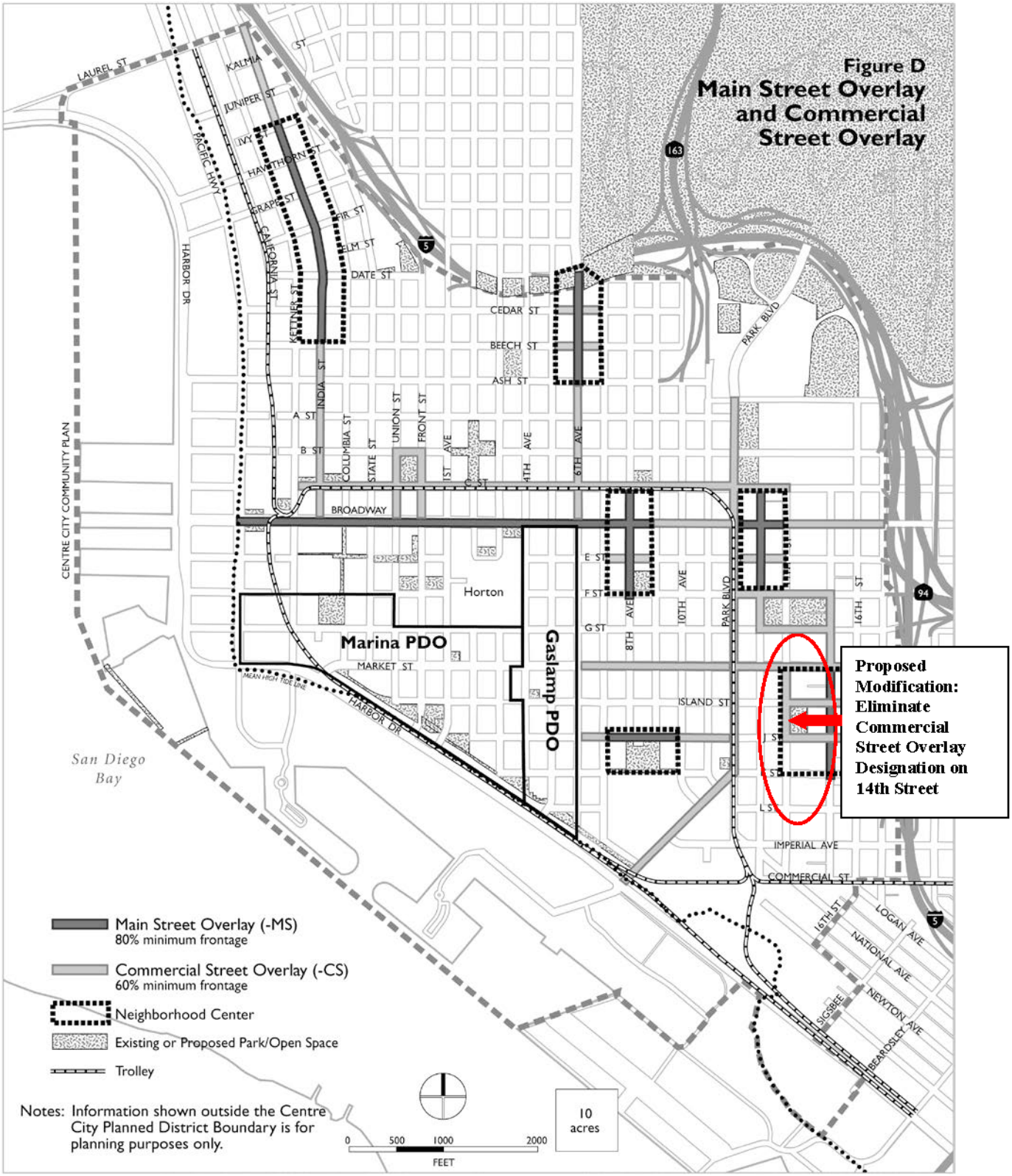
Figure D
Main Street Overlay and Commercial Street Overlay
Proposed Modification: Eliminate Commercial Street Overlay Designation on 14th Street
Marina PDO
Gaslamp PDO
Horton
San Diego Bay
CENTRE CITY COMMUNITY PLAN
LAUREL ST
KALMIA ST
JUNIPER ST
IVY ST
HAWTHORN ST
GRAPE ST
FIR ST
ELM ST
DATE ST
CEDAR ST
BEECH ST
ASH ST
A ST
B ST
C ST
E ST
F ST
G ST
J ST
L ST
BROADWAY
MARKET ST
ISLAND ST
IMPERIAL AVE
COMMERCIAL ST
PACIFIC HWY
HARBOR DR
KETTNER ST
CALIFORNIA ST
INDIA ST
COLUMBIA ST
STATE ST
UNION ST
FRONT ST
1ST AVE
4TH AVE
6TH AVE
8TH AVE
10TH AVE
PARK BLVD
16TH ST
LOGAN AVE
NATIONAL AVE
NEWTON AVE
SIGSBEE
BEARDSLEY
MEAN HIGH TIDE LINE
Main Street Overlay (-MS)
80% minimum frontage
Commercial Street Overlay (-CS)
60% minimum frontage
Neighborhood Center
Existing or Proposed Park/Open Space
Trolley
Notes: Information shown outside the Centre City Planned District Boundary is for planning purposes only.
0 500 1000 2000
FEET
10 acres