

ORDINANCE NUMBER O- 21619 (NEW SERIES)DATE OF FINAL PASSAGE MAR 07 2023

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0301, 156.0302, 156.0304, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, AND 156.0315, RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE.

WHEREAS, the 2022 Land Development Code Update addresses 31 issues specific to the Centre City Planned District to reduce the size and complexity of the regulations, and to facilitate and expedite the construction of housing, employment centers, and public facilities in downtown San Diego; and

WHEREAS, the amendments to the Centre City Planned District improve the usability of the regulations by removing outdated language relating to the former Redevelopment Area, as well as language that no longer applies, is defined elsewhere, or is not regulatory in nature; and

WHEREAS, amendments to the Centre City Planned District also (1) include improvements to the existing downtown-specific floor area ratio (FAR) incentive programs to better facilitate implementation of the Downtown Community Plan: the Urban Open Space; Three Bedroom Units; Employment Uses; Public Parking; Child Care Facilities; Sustainable Buildings; and Eco-Roof Incentive Programs; (2) provide clarifications to the existing transfer of development rights program, greenway regulations, public projects, and temporary parking lots; and (3) allow for additional incentives for affordable housing on underutilized properties; and

WHEREAS, amendments to the Centre City Planned District provide consistency with Citywide regulations relating to childcare incentives, personal storage, the stacking of density bonus incentives, brewery regulations, organic waste and recyclable materials, together with updates to development regulations, urban design regulations, and performance standards; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 156.0301, 156.0302, 156.0304, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, and 156.0315, to read as follows:

Article 6: Planned Districts

Division 3: The Centre City Planned District

§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) [No change in text.]

§156.0302 Definitions

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

Active commercial uses through Bona-fide eating establishment [No change in text.]

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 through *Cultural institution* or *cultural use* [No change in text.]

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

Employment uses [No change in text.]

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

Pedestrian entrance through *Pushcart* [No change in text.]

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 through *Screen* or *screening* [No change in text.]

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 through *Tower* [No change in text.]

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

§156.0304 Administration and Permits

(a) Administration

The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District.

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

(3) *Development* that exceeds \$20 million in value, located along a *greenway*, shall meet all the following requirements, as applicable:

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

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

(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.

§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 through Chapter 14 Article 2, Division 7, Off-site Development Regulations [No change in text.]

Chapter 14 Article 2, Division 9, Mechanical and Utility Equipment Screening through Chapter 15 Article 1, Planned Districts [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-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) through (b) [No change in text.]

§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) [No change in text.]
- (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) through (B) [No change in text.]
- (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 (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 compatibilities 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	OS	CC ⁷	Additional Regulations	<i>MS/CS & E Overlays</i>
Public Park/ Plaza/Open Space through Separately Regulated Institutional Uses, Correctional Placement Centers	[No change in text.]													
<i>Cultural Institutions</i>	P	P	P	P	P	P	P	--	--	P	P	P		MS, CS, E

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
Educational Facilities	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
Separately Regulated Institutional Uses, Energy Generation & Distribution Stations through Commercial Services, Business	[No change in text.]													
Eating and Drinking Establishments ⁽¹⁴⁾	[No change in text.]													
Commercial Services, Bona Fide Eating Establishments through Brewpubs	[No change in text.]													
<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
Commercial Services, With Outdoor Use Area through Visitor Accommodations	[No change in text.]													
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	P ¹³	--	--	P	--	P		CS, E
Separately Regulated Commercial Service Uses														
Separately Regulated Commercial Service Uses, Boarding Kennels/Pet Day Care Facilities	[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	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
through <i>SRO Hotel</i>														
Offices ⁽⁹⁾	[No change in text.]													
Vehicle & Vehicular Equipment Sales & Service, Personal Vehicle Sales & Rental Offices through Other Use Requirements, Temporary Uses and Structures,	[No change in text.]													

Footnotes for Table 156-0308-A

¹ through ⁸ [No change in text.]

⁹ Research and Development and testing labs are permitted within the office use category.

¹⁰ through ¹² [No change in text.]

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.

§156.0309 FAR Regulations and TDRs

(a) [No change in text.]

(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:

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) [No change in text.]

(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) [No change in text.]
- (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) [No change in text.]

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

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

- (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) [No change in text.]

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

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

§156.0310 Development Regulations

- (a) through (b) [No change in text.]
- (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) through (2) [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) *Urban open space*;
- (ii) through (v) [No change in text.]

- (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) through (G) [No change in text.]

Table 156-0310-B: VIEW CORRIDOR SETBACKS

[No change in text.]

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

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

(g) Residential *Development* Requirements

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

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

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

- (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.

§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) [No change in text.]
- (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) 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) 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) through (5) [No change in text.]

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

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

(1) [No change in text.]

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

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

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

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

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

§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**

[No change in text.]

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

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

(f) Existing Buildings

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

(g) [No change in text.]

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

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

[No change in text.]

§156.0315 Separately Regulated Uses

(a) [No change in text.]

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

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

(4) *Brewery tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption shall be subject to the following regulations:

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

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

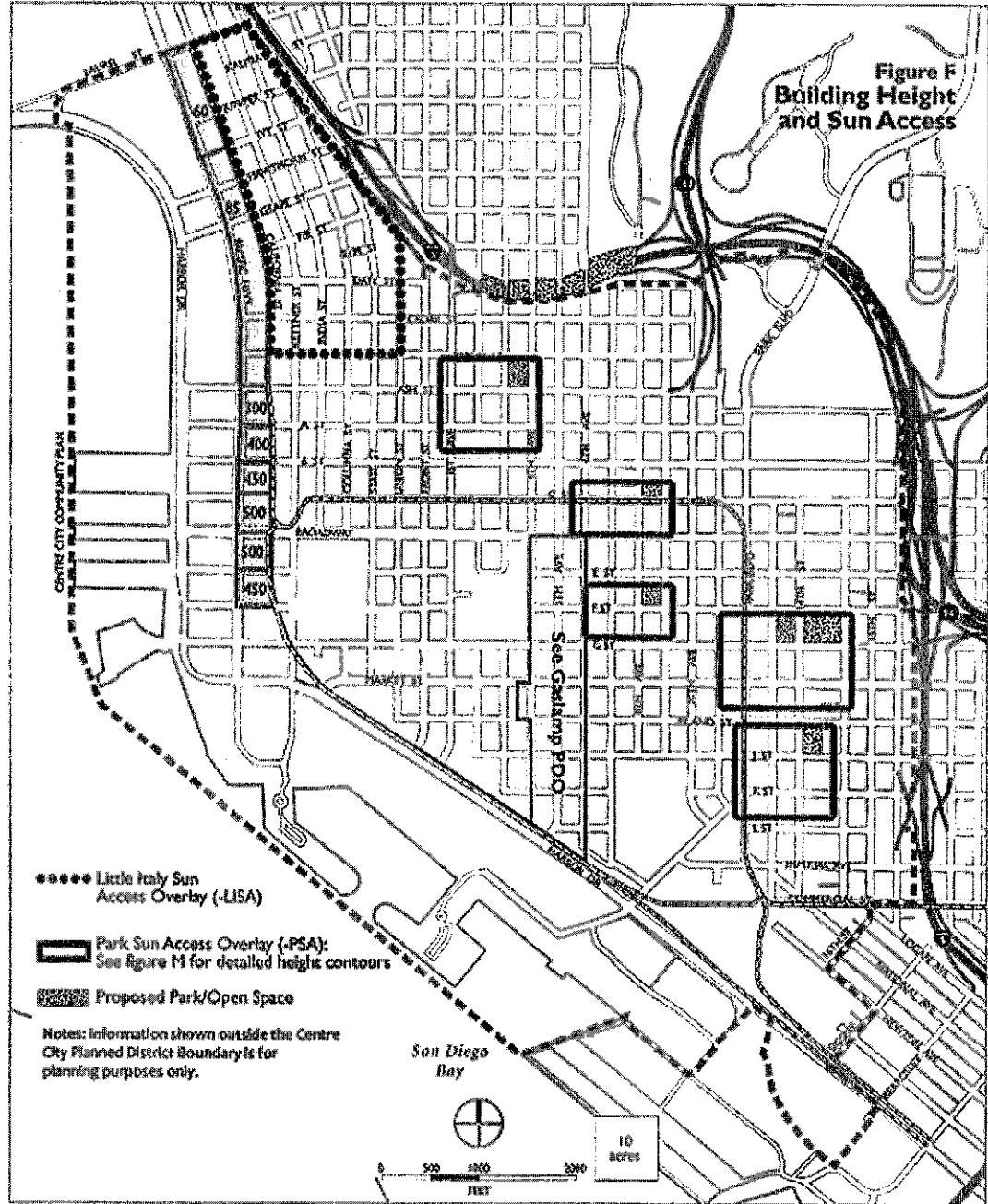
Figures B through E

[No change in text.]

Figure F

San Diego Municipal Code
(2-2018)

Chapter 15: Planned Districts



Figures G through J

[No change in text.]

Figures M through N

[No change in text.]

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport and NAS North Island Airport (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

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

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21676 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon Christine Eckmeyer
Shannon Christine Eckmeyer
Deputy City Attorney

SCE:cm
September 22, 2022
February 8, 2023 COR. COPY
May 1, 2023 REV.
Or.Dept: Planning
Doc. No. 3096378_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: See memo and signature page.)

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 236-6220

DATE: May 4, 2023
TO: Sonia Pickens, Municipal Code Administrator
FROM: Cindy McNary, Senior Legal Secretary
SUBJECT: Revision to the 2022 Centre City Planned District ordinance and strikeout for O-21619 (Mar. 7, 2023) (O-2023-112)

This Memorandum is presented, pursuant to San Diego Charter (Charter) section 275(a), to notify the City Clerk that this Office is requesting to correct one typographical or clerical error referenced below to the 2022 Centre City Planned District ordinance and strikeout per your request via an email you sent to me on Thursday morning, May 4, 2023.

The word "project" was deleted and replaced with "protect" in section 156.0307(b)(12) in corrected versions of the ordinance (page 11) and strikeout (page 16).

No changes were made to the digest for O-21619.

/:cm
Doc. No. 3295143

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon Eckmeyer
Shannon Christine Eckmeyer
Deputy City Attorney

SCE:cm
September 22, 2022
February 8, 2023 COR. COPY
Or.Dept: Planning
Doc. No. 3096378_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA J.S. FUENTES
City Clerk

By [Signature]
Deputy City Clerk

Approved: 3/6/23
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(The date of final passage is March 7, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

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 156.0301, 156.0302, 156.0304,
156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311,
156.0313, AND 156.0315, RELATING TO THE CENTRE CITY
PLANNED DISTRICT ORDINANCE.

Article 6: Planned Districts

Division 3: The Centre City Planned District

§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. ~~This Division is intended to establish regulations that will:~~

- (1) ~~Result in a distinctive world class downtown, drawing on the City's magnificent waterfront setting, its outstanding climate, and its location as a transportation hub.~~
- (2) ~~Establish downtown San Diego as the physical and symbolic heart of metropolitan San Diego, and the regional administrative, commercial, and cultural center.~~

- (3) ~~Create an intense yet livable downtown that contributes to the area's vitality and its economic success, and allows residents to live close to work, transit, and culture.~~
- (4) ~~Reinforce transit, with a pedestrian emphasis, while accommodating vehicles.~~
- (5) ~~Link together a collection of unique, diverse, and memorable neighborhoods within downtown, with a full complement of uses, distinctive streetscapes, character, and scale.~~
- (6) ~~Reconnect downtown's neighborhoods to the waterfront, Balboa Park, and the surrounding neighborhoods.~~

(b) [No change in text.]

§156.0302 Definitions

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

Active commercial uses through Bona-fide eating establishment [No change in text.]

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(ed).

Brewery Tasting Room through Cultural institution or cultural use [No change in text.]

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

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

Employment uses [No change in text.]

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(ed)(4).

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

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

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

Receiving site 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(gf).

Reflective glass through *Screen* or *screening* [No change in text.]

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(gf).

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

Sensitive receptor through *Tower* [No change in text.]

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

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

Transportation demand management (TDM) through *Urban open space* [No change in text.]

§156.0304 Administration and Permits

(a) Administration

The City Manager is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District.

~~The City Manager shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Design~~

~~Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.~~

(b) Permit Required

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

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

(3) ~~Building Permits for new~~ Development that exceeds \$20 million in value, located along a *greenway*, shall meet all of the following requirements, as applicable:

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

(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) through (vi) [No change in text.]
- (D) The *greenway* and associated ~~public improvements~~ public improvements shall be privately-maintained and publicly-accessible in perpetuity. ~~The applicant shall obtain a~~ 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) [No change in text.]
- (F) The City Manager may waive or modify the requirement to include *public improvements* along a *greenway* as ~~described in Section 156.0304(b)(3)~~ 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(ed)(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)(69)(A)-(C) shall not apply.

(4) [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 as outlined in Chapter 11, Article 2, Division 5 ~~and as described below. The type of *development* proposed in the application determines the applicable process.~~

(1) ~~Process One~~

~~An application for a permit or approval processed in accordance with Process One may be approved or denied by a staff person designated by the City Manager pursuant to Section 111.0205, based upon criteria outlined in this Article, the Downtown Community Plan, the Downtown Design Guidelines, the Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego to implement the Downtown Community~~

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

(2) Process Two

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

(3) Process Three

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

(ii) ~~*Development* that does not comply with all base zone regulations, all development regulations, requires a variance, or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410, shall be processed in accordance with~~

~~Process Three as set forth in Section 156.0304(c)(3)(i),
except that if the *development* is affordable housing, an in-
fill project, and/or a sustainable building described in
Section 143.0915, it may be permitted with a
Neighborhood Development Permit decided in accordance
with Section 126.0603.~~

(4) ~~Process Four~~

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

(5) ~~Process Five~~

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

(d) City Public Facilities Exemption

City of San Diego Capital Improvement Program Projects, 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*. These projects shall be presented to the officially recognized ~~community planning group as an informational item prior to a decision being made on the project.~~ 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.

§156.0306 Other Applicable Planning, Zoning, and Development Regulations

When not otherwise specified in this Article, the following chapters of ~~this the~~ Land Development Code apply. In case of conflict with any other provisions of ~~this 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 through Chapter 14 Article 2, Division 7, Off-site Development Regulations [No change in text.]
- Chapter 14 ~~Article 2, Division 8, Refuse and Recyclable Materials Storage Regulations~~
- Chapter 14 Article 2, Division 9, Mechanical and Utility Equipment Screening through Chapter 15 Article 1, Planned Districts [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 for the design of new *development* and shall be utilized in the permit review processes outlined in Section 156.0304.

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

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

§156.0307 Land Use Districts

~~Twelve~~ 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) [No change in text.]

(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, D, and F through N:

- (1) ~~Airport Environs Overlay Zone (AEOZ). This overlay district provides supplemental regulations for the property surrounding San Diego International Airport (SDIA) at Lindbergh Field consistent with the Airport Land Use Compatibility Plan (ALUCP) adopted by the San Diego County Regional Airport Authority. The compatibility of specific land uses with the operations of SDIA is regulated pursuant to Chapter 13, Article 2 of the Land Development Code. Within the Centre City Planned District, the most recently adopted ALUCP shall determine land use compatibility.~~
- (2) ~~Airport Approach Overlay Zone (AAOZ). This overlay district provides supplemental regulations for the properties surrounding the approach path for San Diego International Airport (SDIA) at Lindbergh Field, consistent with the Airport Land Use Compatibility Plan (ALUCP) most recently adopted by the San Diego County Regional Airport Authority. The heights of buildings in this overlay zone are regulated by Chapter 13, Article 2 of this Code. *Applicants for development* proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA)~~

~~Obstruction Evaluation shall submit a Determination of No Hazard to Air Navigation to the City Manager prior to issuance of a building permit.~~

- (31) 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.
- (42) *Commercial Street Overlay (CS)*. On *commercial streets* a minimum of 60 percent of the *ground-floor street frontage* shall contain commercial uses. ~~This requirement shall only apply along the east side of Park Boulevard.~~ Uses *Active Commercial Uses* appropriate for *commercial streets* are identified in Table 1560308-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(ef).

- (53) County Administration Center Design Zone Overlay (CAC). This overlay district ~~ensures that~~ 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. ~~New development shall conform to the Design Guidelines for the Pacific Highway County Administration Center Design Zone on file in the Development Services Department.~~
- (64) 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) through (B) [No change in text.]

- (75) 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.
- (86) 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*.
- (97) Limited Vehicle Access Overlay. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(4k)(4).
- (108) Little Italy Sun Access (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.
- (119) 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(ef).

(~~42~~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.

(~~43~~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.

(~~44~~12) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to ~~project~~protect industrial lands by minimizing potential land use compatibilities 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	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Separately														

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
Regulated Institutional Uses, Correctional Placement Centers	[No change in text.]													
<i>Cultural Institutions</i>	P	P	P	P	P	P	<u>C</u> <u>P</u>	--	--	P	P	P		MS, CS, E
Educational Facilities	P	P	P	P	P	P	<u>C</u> <u>P</u>	--	--	P	--	P		CS, E
Separately Regulated Institutional Uses, Energy Generation & Distribution Stations through Commercial Services, Business	[No change in text.]													
<u>Eating and Drinking Establishments</u> ⁽¹⁴⁾	[No change in text.]													
Commercial Services, Bona Fide Eating Establishments through Brewpubs	[No change in text.]													
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	--	--	--	<u>N</u>	--	<u>N</u>	§156.0315 (a)	MS, CS, E
<i>Brewery Tasting Rooms</i>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	--	<u>C</u>	--	<u>C</u>	§156.0315 (b)(4)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	--	--	<u>N</u>	--	<u>N</u>	§156.0315 (b)(3)	MS, CS, E
Commercial Services, With Outdoor Use Area through Visitor Accommodations	[No change in text.]													
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	<u>P</u> ¹³	--	--	P	--	P		CS, E

Separately Regulated Commercial Service Uses

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	
Separately Regulated Commercial Service Uses, Boarding Kennels/Pet Day Care Facilities through <i>SRO Hotel</i> Offices ⁽⁹⁾															[No change in text.]
Vehicle & Vehicular Equipment Sales & Service, Personal Vehicle Sales & Rental Offices through Other Use Requirements, <i>Temporary Uses</i> and Structures,															[No change in text.]

Footnotes for Table 156-0308-A

¹ through ⁸ [No change in text.]

⁹ Educational facilities and cultural institutions are not permitted within the Airport Approach Zone as delineated in the Airport Land Use Compatibility Plan for the San Diego International Airport. Research and development and testing labs are permitted within the office use category.

¹⁰ through ¹² [No change in text.]

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.

§156.0309 FAR Regulations and TDRs

(a) [No change in text.]

(b) Airport Approach Overlay Zone

Within the Little Italy and Cortez neighborhoods of the Downtown

Community Plan, which lie within the approach path as shown in the

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

(eb) 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.

(dc) 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.

(ed) *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(ed)(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 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 Base <i>FAR</i>)
Affordable Housing	See <u>Section 156.0309(d)(1)</u> below
<i>Urban Open Space</i> 10% of site 20% of site	Up to 6.0 - See <u>Section 156.0309(d)(2)</u> below 1.0 2.0
Three- <i>bedroom</i> units	5% of total units 0.5/1.0 - See <u>Section 156.0309(d)(3)</u> below 10% of total units 1.0/2.0 - See (3) below
<i>Eco-Roofs</i>	Up to 1.0 - See <u>Section 156.0309(d)(4)</u> , below
<i>Employment Uses</i>	See <u>Section 156.0309(d)(5)</u> below
Public Parking <u><i>Child Care Facilities</i></u>	See (6) below See <u>Section 156.0309(e)(6)</u> below
<i>FAR</i> Payment Bonus Program	See <u>Section 156.0309(d)(7)</u> below and Figure J
Sustainable Building	Up to 2.0 - See <u>Section 156.0309(d)(8)</u> below
<i>Public Improvements</i> along a <i>Greenway</i>	2.0 (See <u>156.0309(e)(9)</u>)

- (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) [No change in text.]
- (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* permitted in ~~Figure K~~ earned through Section 156.0309(ed) and Section 156.0309(gf).

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

- (ii) [No change in text.]
- (iii) The maximum *FAR bonus* earned through the provision of affordable housing shall ~~not be~~ restricted by and may be in addition to the maximum *FAR* limits shown in Figures H, K, and L ~~(other bonuses may be utilized up to these limits as provided elsewhere in this Section)~~ be in addition to any other increase in *density* allowed in this Division.
- (iv) [No change in text.]
- (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(i)(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(ed) to achieve a minimum *FAR* bonus of 3.0. ~~If the *bonus FAR* permitted in Figure K is less than 3.0, then the *bonus FAR* in Figure K shall be required.~~

(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 1.0 or 2.0, as specified in Table 156-0309-A 4.0, or 6.0, subject to the following criteria:

(A) ~~The *urban open space* shall be designed to meet the criteria listed in the Downtown Design Guidelines. 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, comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* 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) ~~There shall be at least five three-*bedroom dwelling units* within the *development*;~~

- (B) ~~Each bedroom in the dwelling unit use to earn the FAR bonus shall contain a minimum of 70 square feet, with additional area for an enclosed closet;~~
- (C) ~~CC&Rs shall be recorded on the property ensuring the number of bedrooms in the units used to earn the FAR bonus shall not be reduced;~~
- (~~D~~A) ~~Development providing at least 50~~10 percent of the ~~gross floor area for residential use may earn a FAR bonus of 0.5 or 1.0~~ total amount of dwelling units within the development as three bedroom units shall receive a FAR bonus of 1.0.
- (~~E~~B) ~~Development providing at least 80~~20 percent of the ~~gross floor area for residential use may earn a FAR bonus of 1.0 or 2.0~~ 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 *E*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) ~~The amount of *FAR bonus* allowed for a given development depends on the amount of *eco-roof* coverage in relation to the building's footprint above 30 feet from *grade* as follows:~~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).

- (i) ~~If the total landscaped area of *eco-roof* is 10 to 30 percent of the building's footprint, then each square foot of the *eco-roof* earns 1 square foot of additional *floor area*.~~
- (ii) ~~If the total landscaped area of *eco-roof* is 31 to 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 2 square feet of additional *floor area*.~~
- (iii) ~~If the total area of *eco-roof* exceeds 60 percent of the building's footprint, then each square foot of the *eco-roof* earns 3 square feet of additional *floor area*.~~
- (iv) ~~The maximum *FAR* which may be earned for an *eco-roof* is 0.5 *FAR*. However, an *eco-roof* area that is designed to be accessible to the building occupants, and which remains accessible through the recording of *CC&Rs* pursuant to Section 156.0309(e)(4)(B), may earn a maximum *FAR* of 1.0.~~

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

- (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; ~~may increase their FAR by the maximum FAR illustrated on Figure L 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, ~~may increase their maximum FAR to the maximum FAR illustrated in Figure L shall receive an FAR bonus of 50 percent and may utilize the development regulations within the Large Floorplate Overlay District.~~

- (6) ~~Public Parking. One square foot of FAR bonus may be earned for every square foot of below grade parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to City Manager and the City Attorney's Office.~~ *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) [No change in text.]

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

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

(D) ~~If an *applicant* applies for an extension of time under Section 156.0304(e)(1)(F), the *development* shall be subject to all applicable provisions of Section 156.0309(e)(8) at the time the application for the extension is filed.~~

(E) ~~LEED® Certification Performance Guarantee.~~
~~*Applicants* requesting an *FAR Bonus* who propose to utilize LEED® certification shall, prior to issuance of any~~

~~Building Permits, provide a financial surety, deposit, or other suitable guarantee approved by the City Manager and the City Attorney's Office to ensure that the *applicant* completes the *LEED*[®] certification for the *development* as proposed to obtain an *FAR Bonus* under this section.~~

~~*LEED*[®] certification must be demonstrated through an independent report provided by the USGBC that confirms achievement of a *LEED*[®] Silver or Gold (or higher) level of performance. The financial surety, deposit, or other suitable guarantee shall be in an amount equivalent to the value which would be required to purchase an equivalent amount of *FAR* under the *FAR* Payment Bonus Program, including any subsequent amendments in effect at the time of the *development permit* application. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*[®] rating as proposed under this section.~~

~~If the *applicant* fails to submit a timely report or demonstrate *LEED*[®] certification, payment shall be deducted against the financial security, deposit, or other suitable guarantee and deposited in the *FAR Bonus* Fund~~

~~established under the FAR Payment Bonus Program. The amount of payment shall be calculated according to the following formula:~~

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

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

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

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

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

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

(9) [No change in text.]

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

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

- (1) Purpose. The purpose of the *TDR* program is to ~~promote the creation of additional *public park* land downtown to meet the needs of residents, workers, and visitors within the Centre City Planned District and to encourage the preservation, restoration, and rehabilitation of *designated historical resources*. The City finds that the growing concentration of *development* in downtown requires the creation of new park land areas for the recreational and aesthetic benefit and enjoyment of the public, and that *historical resources* contribute to the quality of the urban environment 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 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: 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.

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

for appropriate future *development* on the *sending site* to
achieve the goals and policies of the Downtown
Community Plan and this Section.

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

~~The City may acquire the *gross floor area* from the owner of a *sending site* and maintain such *gross floor area* for subsequent transfers to *receiving sites*.~~

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

- (6) Example Calculations:

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

Maximum base *FAR* = 6

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

Historical Resource example:

Sending Site = 10,000 square feet

Maximum base *FAR* = 6

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

~~Gross floor area of Historical Structure (exempted from
FAR calculations) = 20,000 square feet~~

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

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

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

§156.0310 Development Regulations

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

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

(3) ~~For sites within the Airport Approach Overlay Zone, maximum building heights shall be determined by the most recently adopted Airport Land Use Compatibility Plan. Building heights shall not be~~

~~limited by the former approach path for the decommissioned
Runway 13-31.~~

- (d) Building Bulk. Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be 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) *Urban open space* ~~subject to the Downtown Design Guidelines;~~
- (ii) through (v) [No change in text.]
- (vi) Portions of *development* sites associated with documented active faults or no-build easements may be exempted from the *street wall* requirements;
- or

(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) through (G) [No change in text.]

Table 156-0310-B: VIEW CORRIDOR SETBACKS

[No change in text.]

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

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

(g) Residential *Development Requirements*

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

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

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

(54) 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).

(65) 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 (54).

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

(i) 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.

§156.0311 Urban Design Regulations

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

(a) [No change in text.]

(b) 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) 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) No more than 30 percent of the linear frontage of the first-story *street wall* may consist of *blank walls*. The maximum length of any continuous *blank wall* is 20 feet, or 40 feet if the *blank wall* includes artwork approved by the decision maker for the ~~development approval(s) in accordance with Section 156.0304(e).~~

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

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

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

(1) [No change in text.]

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

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

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

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

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

§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**

[No change in text.]

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

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

(f) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces. ~~The proposed expansion of any building that cannot meet the parking requirements may be granted a deviation from the parking requirements by the City Manager upon approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of this Code.~~

- (g) [No change in text.]
- (h) Surface Parking ~~Lot~~ Lot Standards

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

- (1) ~~For sites with an approved *development permit* or those designated for as a *public park* in the Downtown Community Plan, temporary surface parking *lots* may be approved for a maximum period of two years. The parking *lots* shall be improved with appropriate paving, striping, and security lighting to City standards. 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) For sites without an approved *development* permit or for parking *lots* improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking *lots*:
- (A) ~~Along all public *street frontages*, a 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.~~
- (32) Every vehicular access point to a public parking lot *structure*, shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter "P" on a green background. ~~Additional space may be added to the cabinet *sign* to indicate whether the *lot*~~

~~is full, or provide information on prices, ownership, management, hours of operation, and whether it is for private or public parking. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other signs for the parking lot.~~

(i) [No change in text.]

(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.

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

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

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

[No change in text.]

§156.0315 Separately Regulated Uses

(a) [No change in text.]

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

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

(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:

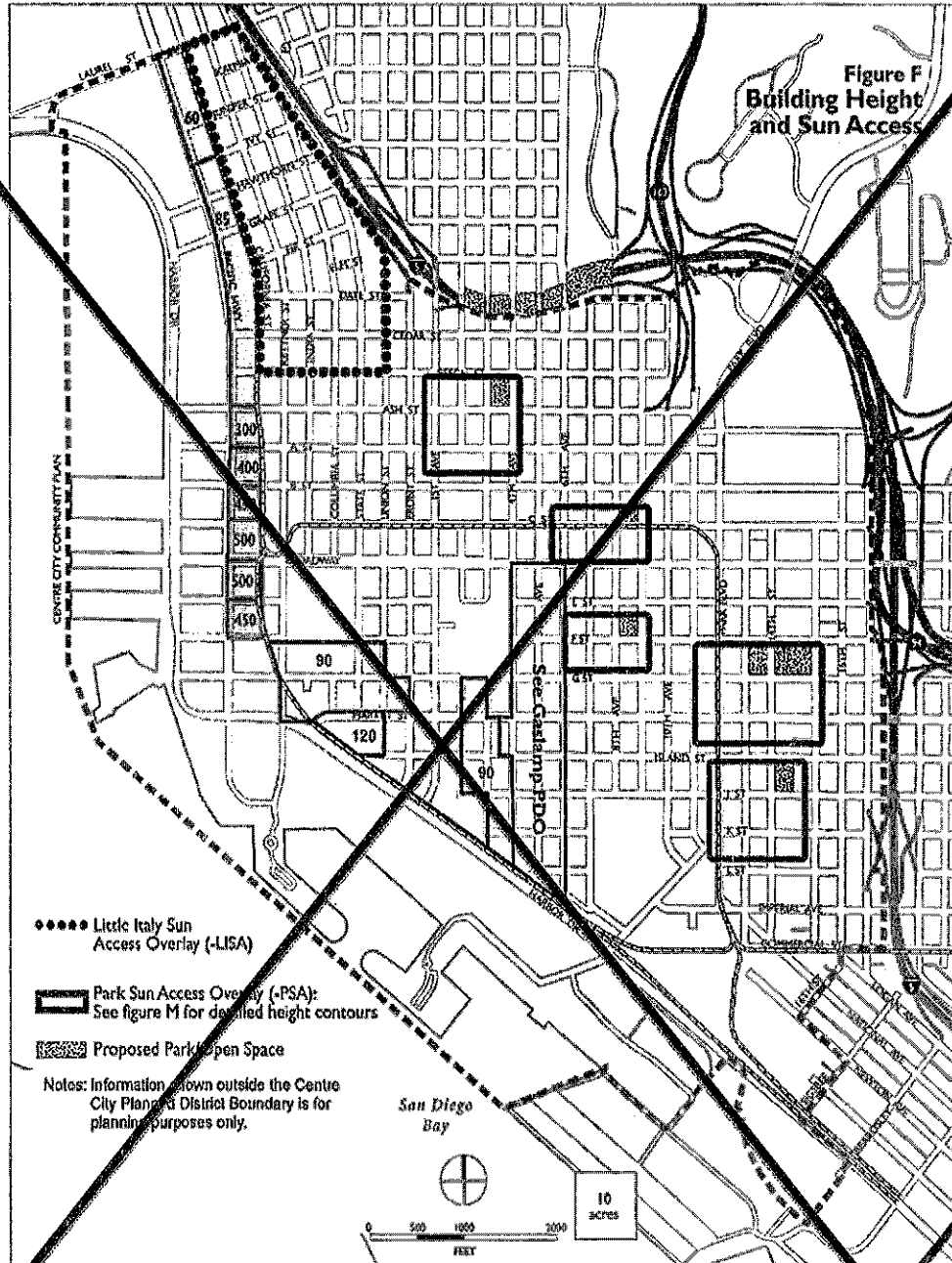
(A) through (D) [No change in text.]

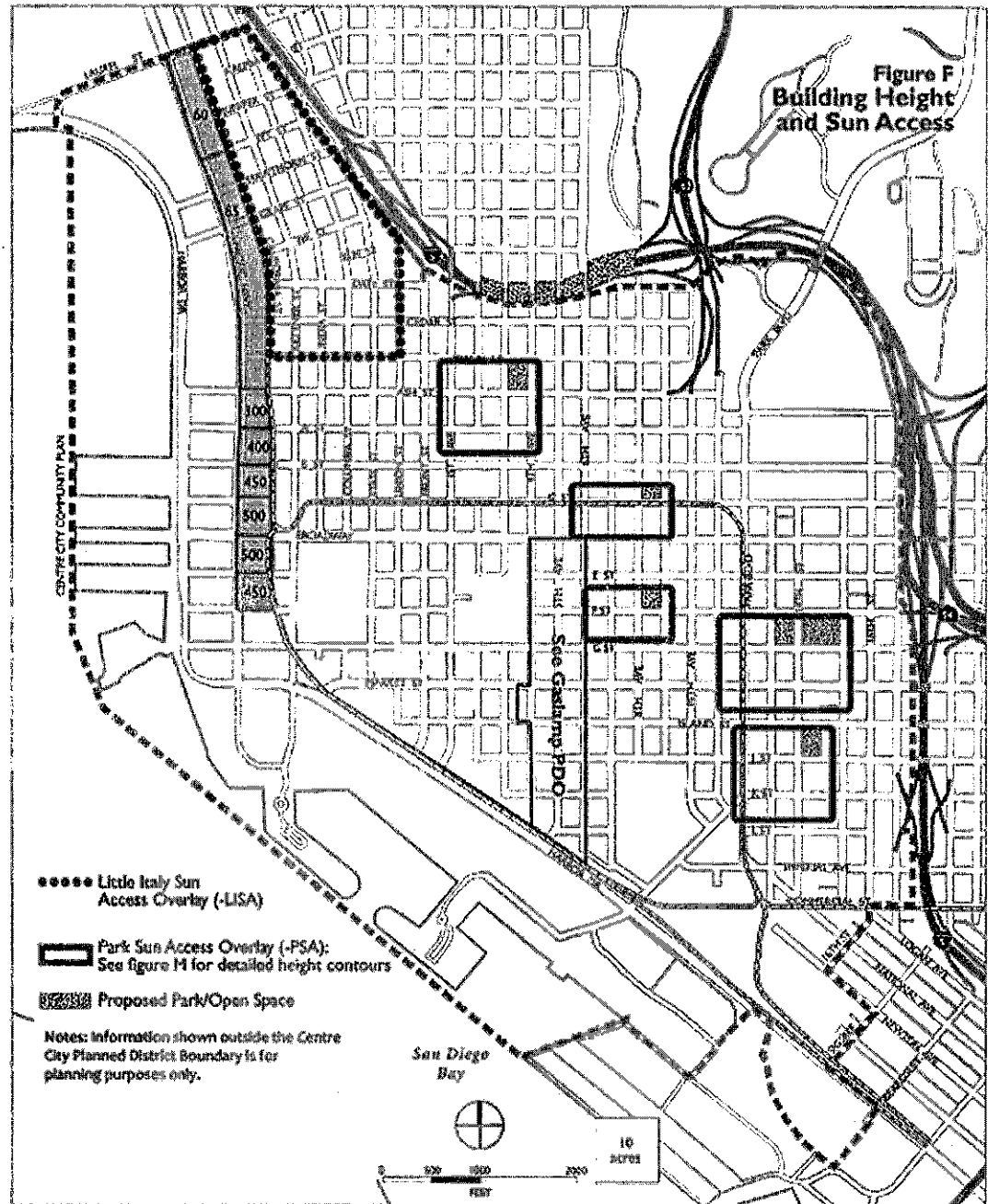
(c) through (k) [No change in text.]

Figures B through E

[No change in text.]

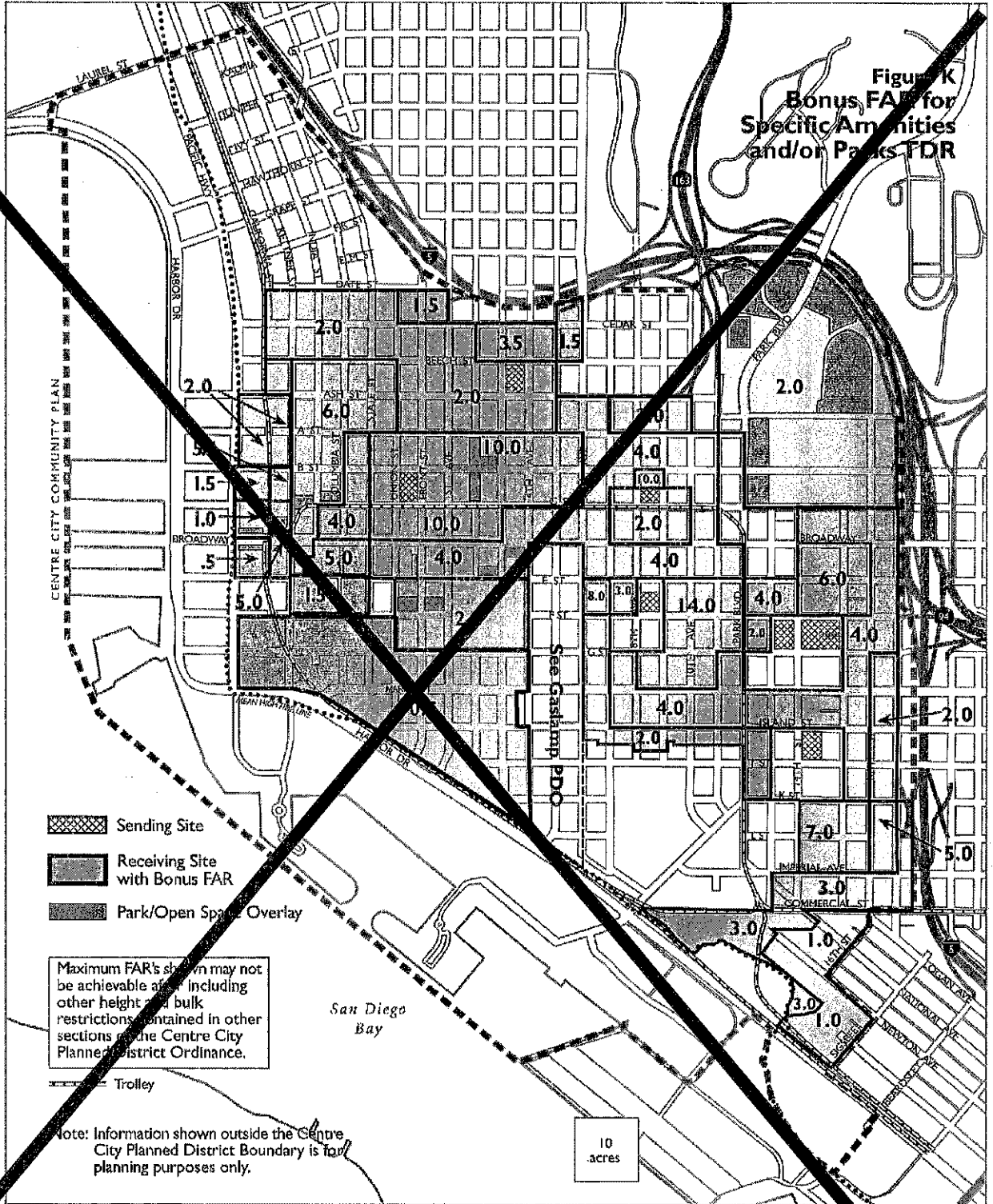
Figure F

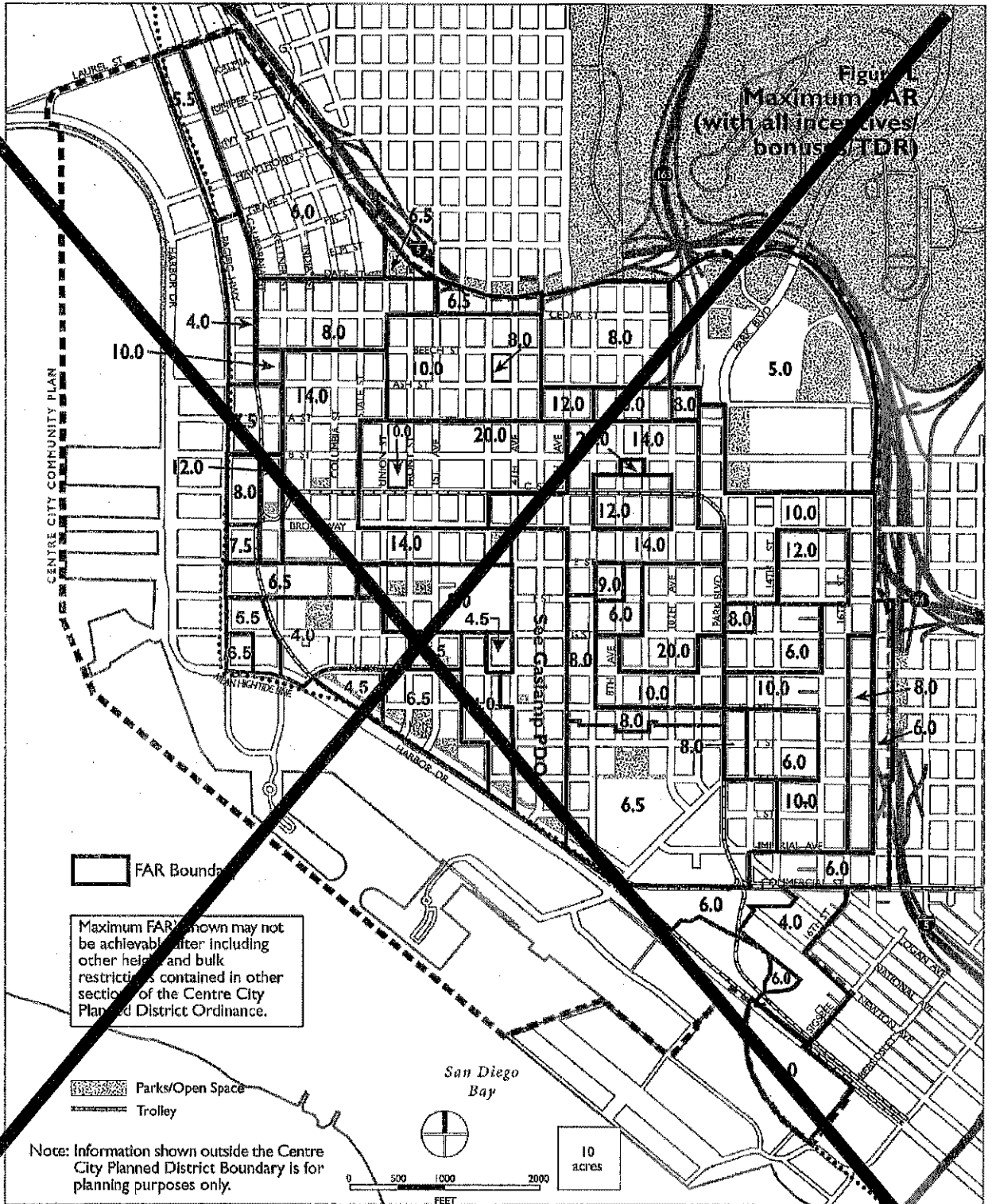




Figures G through J

[No change in text.]





Figures M through N

[No change in text.]

SCE:cm
September 22, 2022
February 8, 2023 COR. COPY
May 1, 2023 REV.
Or.Dept: Planning
Doc. No. 3096379_3

Passed by the Council of The City of San Diego on February 28, 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

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

February 14, 2023, and on MAR 07 2023.

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

(Seal)

DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-21019