

Civic San Diego

DATE ISSUED: April 8, 2013

REPORT NO. PC-13-054

ATTENTION: Planning Commission, Agenda of April 18, 2013

SUBJECT: Proposal to Initiate Amendments to the Centre City Planned District Ordinance (Chapter 15, Article 2, Division 3 of the San Diego Municipal Code)

**OWNER/
APPLICANT:** Civic San Diego

SUMMARY

Issue(s): Should the Planning Commission (“Commission”) initiate consideration of amendments to the Centre City Planned District Ordinance (CCPDO) and Local Coastal Program (LCP)?

Staff Recommendation: Civic San Diego (“CivicSD”) staff recommends that the Commission initiates CCPDO Amendment 2013-02 for the preparation of potential amendments to the land use and development regulations of the CCPDO.

Community Planning Group Recommendation: None. If the initiation is approved, the proposed amendments will go forward for consideration before the Downtown Community Planning Council (DCPC) prior to being scheduled for a public hearing by the Commission.

Environmental Review: This activity is not a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378. Therefore, pursuant to CEQA Guidelines Section 15060(c)(3), the activity is not subject to CEQA. The appropriate environmental review will be completed as part of the amendment study and presented at later hearings for the proposed amendments.

Fiscal Impact Statement: None.

Code Enforcement Impact: None.

Housing Impact Statement: None.

BACKGROUND

The Downtown Community Plan (DCP) area includes approximately 1,500 acres of the metropolitan core of San Diego, bounded by Interstate 5 on the north and east and San Diego Bay on the south and southwest. The City of San Diego's Strategic Framework Element of the General Plan recognizes downtown San Diego as the regional center, promoting greater residential development densities as well as its role as the business, government, and cultural hub.

In 2006, the City Council adopted the DCP and major amendments to the CCPDO, the framework for downtown development. At the time of adoption, staff determined it would be necessary to periodically amend these documents to make a variety of refinements based on lessons learned in implementation. A number of amendments have been processed starting in 2007 through 2012. Staff is currently proposing a variety of amendments to the CCPDO as part of its regular maintenance of the code.

DISCUSSION

The goal of the proposed CCPDO amendments is to simplify land development regulations; make the land development regulations more objective and adaptable; eliminate redundancies and/or contradictions; and, to increase predictability in the application of land development regulations downtown. The amendments address a variety of topics including land use, parking for affordable housing, development regulations, and refinements resulting from recently approved city-wide municipal code regulation amendments. The amendments also include several clean-up items including edits to text and corrections to figures.

SUMMARY OF PROPOSED REVISIONS TO THE CCPDO

The proposed amendments to the CCPDO include, but are not limited to, the following:

A. Administration and Permits

- (1) Planned Development Permit (PDP) – Amendments refining language pertaining to findings required for approval of a PDP.
- (2) Sidewalk Café – Reduces the permit process level from a Process Two Neighborhood Use Permit (NUP) to a Process One Limited Use for establishments that meet specific criteria established under the Sidewalk Café regulations in Chapter 14, Article 1, Division 6 of the San Diego Municipal Code. Amendments to the Sidewalk Café regulations are currently pending City Council approval.

- (3) Outdoor Activities – Reduces the permit process from a Process Three Conditional Use Permit (CUP) to a Process Two NUP for Outdoor Activities on private property (farmers markets, arts and cultural events, and social and community events). Outdoor Activities with live entertainment would still be required to obtain a CUP.

B. Land Use/Separately Regulated Uses

- (1) Live Entertainment – Amendments to Live Entertainment include:
 - a. Adding the definition of Live Entertainment.
 - b. Exempting the following uses from obtaining a CUP:
 - i. accessory non-amplified acoustical music without dancing; and,
 - ii. non-bona fide eating and drinking establishments with on-site alcohol sales without live entertainment.
 - c. Modifications to Land Use Table 156-0308-A providing clarification that Assembly and Entertainment uses seeking to provide Live Entertainment are required to obtain a CUP.
- (2) Non-Active Commercial Uses – Establishes a process whereby uses not considered to be "*Active Commercial Uses*" may be located within the Commercial and Main Streets Overlays and within Neighborhood Centers for an interim period with approval of a Process Three CUP when it is found that the immediate neighborhood cannot yet support large amounts of retail services.
- (3) Alcohol Beverage Sales – Amendments include modifications to the conditions of approval for off-site alcohol sales allowing microbreweries to sell 32-ounce "growler" and 22-ounce bottle sizes if the beer is packaged onsite.

C. Development Regulations

- (1) Storage – Modifications to the minimum storage requirements for residential developments. The CCPDO currently requires personal storage of at least 240 cubic feet per unit with a minimum seven-foot horizontal dimension along one plane.
- (2) Rooftop Mechanical Screening – Amendments include revisions to the screening/enclosure requirements for rooftop mechanical screening.

Based on input provided during the public review process, staff will determine the appropriate amount of personal storage space per unit and develop reasonable screening requirements for rooftop mechanical equipment.

D. Parking

- (1) Affordable Housing Parking – Establishes downtown as a low parking demand area for the purposes of calculating the reduced parking requirements for affordable housing developments under the Reduced Parking Demand Housing Regulations in the Land Development Code (LDC) Chapter 14, Article 2, Division 5 adopted by City Council on November 13, 2012.

E. Clean-up and mapping – A variety of minor edits will occur throughout the text to enhance the organization and clarify language in the CCPDO. In addition, edits to Figures D, E, and G will be made to graphically correct the location of a proposed open space incorrectly shown on the block located at State, Union, B and C streets to the block on Front, Union, B, and C streets consistent with Figures C and D and the maps in the DCP.

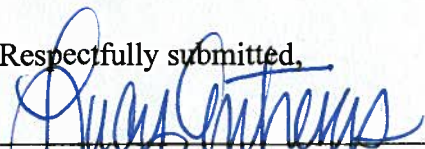
The following is a tentative schedule for processing of the proposed amendments:

Date of Approval	Action or Approval
May 2013	DCPC and CivicSD Board consideration of proposed amendments
June/July 2013	Commission Public Hearing
September/October 2013	Land Use and Housing Committee consideration and City Council Public Hearing

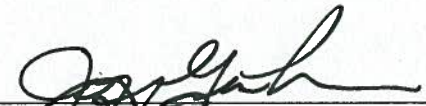
The above timeline reflects the determination that the proposed amendments do not require additional environmental review beyond the previously certified Final Environmental Impact Report (FEIR) for the DCP. If additional environmental review is warranted, additional time would be required for the preparation of the appropriate environmental documents.

Conclusion:

CivicSD staff recommends that the Commission approves the initiation of CCPDO Amendment 2013-02.

Respectfully submitted,


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 Senior Planner



 Jeff Graham
 President



 Brad Richter
 Assistant Vice President, Planning