

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

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

§156.0301 Purpose and Applicability

(b) 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) Boundaries and Applicability

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

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

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

§156.0302 Definitions

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

Active commercial uses mean commercial uses that are accessible to the general public, that generate walk-in clientele, and that contribute to a high level of pedestrian activity. *Active commercial uses* include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, *hotel* lobbies, banks, travel agencies, airline ticket agencies, child care services, libraries, museums, and galleries.

Base floor area ratio (Base FAR) means the minimum and maximum *development* potential permitted for a site, which is expressed as a ratio of the amount of *gross floor area* to the size of the parcel. The minimum *base FAR* is the minimum *floor area* which must be built on a site in a new *development*. Maximum *base FAR* is the maximum *floor area* permitted to be built without bonuses or transfers.

Bed and breakfast means a visitor-serving establishment with up to twenty rooms for overnight stays that serves breakfast every morning.

Blank wall means any *street wall* area that is not transparent, including solid doors and mechanical area wall(s).

Bona-fide eating establishment means a place that is primarily used for serving individually prepared meals to guests for compensation. A *bona-fide eating establishment* contains suitable *kitchen* facilities on the *premises* and adequate seating for patrons.

Bonus floor area ratio (Bonus FAR) means the additional *floor area ratio* that may be earned by meeting certain requirements listed in Section 156.0309(e).

~~*Brewpub* — A *brewpub* is Mmeans a *bona fide eating establishment (the primary use on the premises)* which is licensed by the California Department of Alcoholic Beverage Control s to manufacture and sell alcoholic beverages on the *premises* for on- *premises* or off-*premises* consumption. A *brewpub* manufactures alcoholic beverages on the *premises* and may conduct *accessory* off-site sales of alcoholic beverages the licensee manufactures.~~

~~*Brewpub Tasting Room* — a *brewpub tasting room* Mmeans an establishment which is licensed by the California Department of Alcoholic Beverage Control sto manufacture and sell alcoholic beverages on the *premises* for on-*premises* or off-*premises* consumption. A *brewpub tasting room* manufactures alcoholic beverages on the *premises* and provides on-site consumption of products manufactured by the licensee. A *brewpub tasting room* may conduct *accessory* off-site sales of alcoholic beverages the licensee manufactures may be permitted.~~

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

Building materials mean all materials visible from the exterior of a *development*, including materials used for walls, roofs, windows, doors, and architectural or decorative features applied to the *building façade*.

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

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

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

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

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

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

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

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

Commercial streets mean certain *streets* in the Centre City Planned District that are subject to a land use overlay as illustrated in Figure D of this Division.

Common indoor open space means a usable indoor area commonly accessible to all residents and users of the building for passive or active recreation.

Common outdoor open space means usable outdoor area commonly accessible to all residents and users of the building for passive or active recreation.

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

Covenants, Conditions, and Restrictions (CC&Rs) mean recorded documents specifying rights and restrictions on a site.

Courtyard means an open space unobstructed to the sky, located at or above-grade level and bounded on two or more sides by building walls.

Cultural institution or *cultural use* means a non-profit institution recognized as a 501(c), displaying or preserving objects of interest in the arts or sciences. *Cultural uses* include libraries, museums, non-profit art galleries, and interpretive centers.

Design Review means the formal review of a proposed *development* through the established process relevant to the size and nature of the proposed *development*.

Disposition and Development Agreement (DDA) means an agreement between the City of San Diego as the Successor Agency to the former Redevelopment Agency and a ~~developer in which the Redevelopment Agency conveys property to said developer to implement the Redevelopment Plan pursuant to a specified scope of development.~~ private entity.

Employment uses mean those non-residential uses which provide employment opportunities and include those uses specifically designated in Table 156-0308A.

Eco-roof means an open space area on top of a building roof that is landscaped and maintained according to the requirements of Section 156.0309(e)(4).

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

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

Group living means residential or institutional uses licensed by the State of California that provide supportive residential facilities to specified sections of the population.

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

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

Live entertainment includes live performances by musicians; singers; dancers or similar entertainers; disc jockeys; or, dancing by customers of an establishment.

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

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

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

Main streets mean certain *streets* in the Centre City Planned District that are subject to a land use overlay as illustrated in Figure D of this Division.

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

Mid-zone means the portion of a building above the *building base* and below the *tower*.

Mixed-use development means *development* that includes two or more land uses.

Mobile Food Facilities are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. *Mobile Food Facilities* do not include *pushcarts* as defined in Section 141.0619 of the San Diego Municipal Code.

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

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

Owner Participation Agreement (OPA) means an agreement between the City of San Diego as the Successor Agency to the former Redevelopment Agency and a ~~property owner specifying terms of a redevelopment action as it affects the owner's property-private entity.~~

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

Performance Path means a way to demonstrate that a *development* has exceeded the California Green Building Standards Code (CALGreen) by achieving a targeted level of performance in an existing voluntary green building rating system.

PETCO Park has the same meaning as in San Diego Municipal Code Section 59.0102.

Prescriptive Path means a way to demonstrate that a *development* has improved performance in one or more green buildings options that exceed the California Green Building Standards Code (CALGreen) by selecting from a list of eligible program *Sustainability Indicators*.

Private open space means an area connected or immediately adjacent to a *dwelling unit*. *Private open space* may include a balcony, porch, ~~ground-at-grade~~ or above-grade patio or *roof deck* used exclusively by the occupants of the *dwelling unit* and their guests.

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

Public safety facility means a facility operated by the City of San Diego or its agent that is utilized for public safety and emergency services, including police and fire protection.

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

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(g).

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

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

Screen or *screening* means partial or full enclosure of a space or area by solid materials that are compatible with the materials and architectural design of the *development* in order to block views of the area from nearby *development* or *public rights-of-way*.

Sending site refers to a site where *gross floor area* is transferred to a *receiving site* in accordance with the *Transfer of Development Rights* procedures in Section 156.0309(g).

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

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

Shopkeeper unit means a unit with both living quarters and commercial space that meets all occupancy separation requirements of the Building Code.

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

Street wall means the *building façade* along a *property line* adjacent to any public *street*. The *street wall* may include arcades, colonnades, recessed entrances, *private open space*, or *urban open space*.

Structured parking means all parking facilities that serve a primary use or that are open to the general public.

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

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

Tenant improvements mean interior or minor exterior improvements to an existing building. *Tenant improvements* may include finishing or remodeling of interior space to accommodate a new tenant or occupant, the installation of ancillary mechanical equipment, or the installation of replacement doors or windows to serve a specified use.

Tower means that portion of a building located above the *building base* or the *mid-zone*, if applicable, to the top of the building.

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

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

Transportation demand management (TDM) means a series of measures that encourage use of alternative forms of transportation to alleviate traffic demand on area roadways.

Upper tower means the upper 20 percent of a *tower*, measured above the *building base* or *mid-zone* to the top of the building, including mechanical *penthouses*.

Urban open space means any usable space accessible to the general public which is 1,000 square feet or greater in size and includes plazas or parks.

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

(Renumbered from former Section 156.0304 and amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

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

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

§156.0303 Centre City Land Development Manual

- (a) CCDC Civic San Diego -may establish and adopt application submittal requirements, review procedures, and guidelines to implement this Article. These implementation documents shall be known collectively as the Centre City Land Development Manual (CCDC Civic San Diego -Land Development Manual).
- (b) The CCDC Civic San Diego -Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The CCDC Civic San Diego -Land Development Manual may be amended in one of the following ways:
- (1) Minor amendments shall be approved by the CCDC Civic San Diego -President after considering public comments according to the process established in the CCDC Civic San Diego -Land Development Manual. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.
 - (2) Major amendments to the CCDC Civic San Diego -Land Development Manual shall be approved in accordance with Process Five. Major amendments include the creation or elimination of a chapter or chapters or other changes that do not qualify as minor amendments as provided in Section 156.0302(b)(1).
- (c) A copy of the CCDC Civic San Diego -Land Development Manual shall be on file in the CCDC Civic San Diego offices.
- (d) The CCDC Civic San Diego -Land Development Manual includes, but is not limited to, the following:
- (1) User's Guide;
 - (2) Centre City Development Permit Application Submittal Requirements;
 - (3) Centre City Streetscape Manual;
 - (4) Centre City Trip Generation Rates; and,
 - (5) Presentation Requirements for Design Review Meetings

(Renumbered from former Section 156.0302 and amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)

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

§156.0304 Administration and Permits

(a) Administration

~~CCDC Civic San Diego~~ is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District. The ~~CCDC Civic San Diego~~-President shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Community Plan, ~~CCDC Civic San Diego~~-Land Development Manual, Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego ~~or Redevelopment Agency~~ to implement the Downtown Community Plan. The City Manager shall administer the issuance of Zoning Use Certificates (ZUCs) in compliance with the land use classifications permitted in Table 156-0308A of this Division.

(b) Permit Required

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

(1) Centre City Development Permit

A Centre City Development Permit shall be required for construction with 1,000 square feet or more of *gross floor area* not within an existing *structure*. Construction with less than 1,000 square feet of *gross floor area*, or within an existing *structure*, shall obtain all required building permits from the City of San Diego and comply with the provisions of this Article.

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

(3) *Tenant improvements* exceeding \$250,000 in value shall install *public improvements* consistent with the Centre City Streetscape Manual.

(c) Overview of Decision Process

Applications for *development* within the Centre City Planned District shall be decided in accordance with one of the five decision processes described

below. The type of *development* proposed in the application determines the applicable process.

(1) Process One

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

(2) Process Two

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

(3) Process Three

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

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

Development Permits shall be processed in accordance with Section 156.0304(f) of this Division.

(4) 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) Existing *Development* Approvals

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

Where a *DDA-Disposition and Development Agreement* or *OPA-Owner Participation Agreement* has been executed with the former Redevelopment Agency prior to May 3, 2006, or a *Development Agreement* has been executed by the City of San Diego prior to December 31, 2012, *development permits* may be reviewed and issued according to the regulations and laws in effect at the time of *Redevelopment Agency* approval of the *Disposition and Development Agreement DDA* or *OPA-Owner Participation Agreement* or City Council approval of the *Development Agreement* and shall be subject to the terms of such agreements as long as they are in effect.

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

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

(e) Centre City Development Permit Process

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

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

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

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

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

(iii) *Development* requiring Community Redevelopment Funds shall also be reviewed and approved by the

City Council, which shall have the final *Design Review* approval authority for such *development*.

- (iv) The ~~CCDC~~*Civic San Diego -Board* and ~~CCA~~*Downtown Community Planning Council*, or other recognized community planning group, may establish advisory committees to make recommendations for consideration in the *Design Review* process.
- (C) Public Notice. Public notice shall be provided before a decision is made on an application for a permit in the Centre City Planned District in accordance with the following procedures:
- (i) *Applicants* for *development* proposals requiring a Centre City Development Permit shall post a notice on the site in accordance with Section 112.0304 of the Land Development Code.
 - (ii) *Development* proposals requiring *Design Review* approval by the ~~CCDC~~*Civic San Diego -Board* or approval by the City Council shall be noticed in accordance with Section 112.0302 of the Land Development Code. A Notice of Application shall be mailed to the persons entitled to notice listed in Section 112.0302(b). Further notice shall also be provided to all persons requesting notice of review meetings or decisions.
 - (iii) *Development* proposals requiring a Process Two, Three, Four, or Five approval shall be noticed in accordance with Section 112.0302 of the Land Development Code.
- (D) Required *Findings*. A Centre City Development Permit may be granted if the decision-maker finds that the *development*, as submitted or modified, is consistent with the Downtown Community Plan, ~~Centre-City Redevelopment Plan~~, Centre City Planned District Ordinance, ~~CCDC Civic San Diego -Land Development Manual~~, San Diego Municipal Code, and all other adopted plans or policies of the City of San Diego ~~or Redevelopment Agency~~ pertaining to the Centre City Planned District.

- (E) Permit Issuance. If the ~~CCDC Civic San Diego~~-President approves a Centre City Development Permit, the application shall be referred to the ~~Development Services Department~~City of San Diego for any other action as necessary. Denial of any Centre City Development Permit requires the ~~CCDC Civic San Diego~~-President to issue written findings of non-conformance with the provisions of this Article, the Downtown Community Plan, ~~Centre City Redevelopment Plan~~, or other applicable plans, policies, or guidelines adopted to implement the Downtown Community Plan.
- (F) Permit Time Limits. Centre City Development Permits are effective for three years from the date of approval. If a building permit has not been obtained within the three years, the *applicant* may apply for an extension in accordance with Section 126.0111 of the Land Development Code.

(2) *Development* Review Progression

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

- (A) Basic Concept Drawings. This submittal shall illustrate the basic organization of the site and shall identify *historical resources* on the site and any adjoining *historical resources*. Plans shall be reviewed for two- and three-dimensional considerations such as the relationship of land uses within the *development*, relationship of the *development* to proposed and existing land uses adjoining the site, including *historical resources*, siting considerations such as vehicular and pedestrian circulation, provision for *urban open space*, architectural composition, quality of proposed materials, and three-dimensional images of the *development*.

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

- (B) Design Development Drawings. This submittal shall be a refinement of, and resolve issues identified at, the Basic Concept Drawings stage. Drawings shall include accurate site surveys, floor plans, elevations, sections, design details, and a palette of exterior colors and materials. Additional submittal requirements, such as pedestrian and vehicular circulation, landscape plans, provision for servicing, off-site improvement drawings, utility infrastructure, exterior architectural features, or urban design features, shall also be provided upon request by the *CCDC Civic San Diego -President*.
- (C) 100 Percent Construction Drawings. These represent the final plans, specifications, and other documentation as appropriate for the proposed *development*. These drawings shall illustrate how the conditions for approval of the previous submissions have been met. These drawings shall be in sufficient detail to obtain a building permit.

(f) Centre City Planned Development Permit Process

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

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

deviations which are appropriate for this location and will result in a more desirable project than would be achieved if designed in conformance with the strict regulations of this Division and.

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

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

(g) Revocation

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

(h) Environmental Impact Report Mitigation Measures

All *development* in the Centre City Planned District shall comply with and incorporate the *historical resources* mitigation measures listed in the Mitigation, Monitoring, and Reporting Program (MMRP) listed as Appendix A in the Downtown Community Plan.

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

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

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

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

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

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

§156.0305 Rules of Calculation and Measurement

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

- (a) Underground parking *structures* count as *gross floor area* where, at any point, the vertical distance from final proposed *grade* to the finished *floor* elevation immediately above is more than 3 feet, 6 inches.
- (b) Phantom *floors*, as defined in Section 113.0234(b)(4) shall not count as *gross floor area* in either residential or commercial buildings.
- (c) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(5) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
- (d) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor area* count as *gross floor area* except where:
 - (1) The addition is within the *structural envelope* of a building for which building permits were issued prior to May 3, 2006; or
 - (2) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than one-third-half of the *floor area* immediately below.
- (e) Mechanical *penthouses* do not count against *gross floor area* when architecturally integrated into the overall building design.

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

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

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

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

§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 San Diego Municipal Code, the regulations of this Article shall apply. The Downtown Community Plan, Marina Planned District Ordinance, and this Article constitute the *Local Coastal Program* for the ~~Centre City~~Downtown Community Plan Area.

- Chapter 11 Land Development Procedures
- Chapter 12 Land Development Reviews
- Chapter 13 Zones
- Chapter 14 General Regulations
- Chapter 14 Article 1, Division 1, General Rules for Separately Regulated Uses
- Chapter 14 Article 2, Division 1, Grading Regulations
- Chapter 14 Article 2, Division 2, Drainage Regulations
- Chapter 14 Article 2, Division 3, Fence Regulations
- Chapter 14 Article 2, Division 4, Landscape Regulations
- Chapter 14 Article 2, Division 5, Parking Regulations
- Chapter 14 Article 2, Division 6, Public Facility Regulations
- Chapter 14 Article 2, Division 7, Off-site Development Regulations
- Chapter 14 Article 2, Division 8, Refuse and Recyclable Materials Storage Regulations
- Chapter 14 Article 2, Division 9, Mechanical and Utility Equipment Screening
- Chapter 14 Article 2, Division 10, Loading Area Regulations
- Chapter 14 Article 2, Division 11, Outdoor Storage Display, and Activity Regulations

- Chapter 14 Article 2, Division 12, Sign Regulations
- Chapter 14 Article 3, Supplemental Development Regulations
- Chapter 14 Article 4, Subdivision Regulations
- Chapter 14 Article 5, Building Regulations
- Chapter 14 Article 6, Electrical Regulations
- Chapter 14 Article 7, Plumbing Regulations
- Chapter 15 Article 1, Planned Districts

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

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

- (a) Minor amendments to the Downtown Design Guidelines shall be approved by the *CCDC Civic San Diego -President* and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-307143. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.
- (b) Major amendments to the Downtown Design Guidelines shall be approved by the City Council. Major amendments include any changes that do not qualify as minor amendments as provided in Section 156.0306(a). Major amendments shall be reviewed by the Planning Commission prior to approval by the City Council.

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

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

§156.0307 Land Use Districts

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

(a) Base Districts

The purpose of each base district is as follows:

- (1) Core (C). This district serves as a high-intensity office and employment center. The district operates as a center of regional importance and as a primary hub for businesses, communications, offices, and *hotels* with fewer restrictions on building bulk and *tower* separation than in other districts. *Mixed-use development* shall be accommodated as an important component of the area's vitality. Retail, educational, entertainment, residential, civic, governmental, and *cultural uses* are permitted. Within the C District a minimum of 40 percent of the ground-floor *street frontage* shall contain *active commercial uses*.
- (2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the ground floor.

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

- (3) Employment/Residential Mixed-Use (ER). This district provides synergies between educational institutions and residential neighborhoods, or transition between the C District and residential neighborhoods. The ER district also encompasses Horton Plaza. A variety of uses are permitted in this district, including office, residential, *hotel*, research and development, educational, and medical facilities.
- (4) Ballpark Mixed-Use (BP). This district accommodates *mixed-use developments* that support major sporting facilities and visitor attractions. A broad array of other uses are also permitted, including eating and drinking establishments, *hotels*, offices, research and development facilities, *cultural institutions*, residential uses, live/work spaces, and parking facilities. Within the BP District, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*. Within the WM District, a minimum of 20 percent and a maximum of 50 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted. Within the MC District, up to 100 percent of the *ground-floor street frontage* may be *active commercial uses*.
- (7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and *ground-floor active commercial uses* are allowed, subject to size and area limitations.

Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process. *Floor area* dedicated to *active commercial uses* to satisfy the requirements of either the *Main Street* or *Commercial Street* overlay districts shall not be counted against the maximum non-residential percentage of *gross floor area*.

- (8) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities. Within the I District, no more than 20 percent of the *ground-floor street frontage* may be *active commercial uses*.
- (9) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities. Within the T District, no more than 20 percent of the *ground-floor street frontage* may be *active commercial uses*.
- (10) Convention Center/Visitor (CC). This district provides an area for convention centers, *hotels*, and parks and open spaces for visitor uses. Within the CC District, a minimum of 20 percent and a maximum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (11) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.
- (12) Park/Open Space (OS). This district provides areas for *public parks* and open spaces. Below-ground parking facilities, eating and drinking establishments, arts and *cultural uses*, and community centers are also permitted.
- (13) Public Facilities (PF). This district is intended to accommodate one or more existing or proposed *public safety facilities*. *Mixed-use developments* are allowed within this district provided the *public safety facility* is located within the *development*.

(b) Overlay Districts

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

- (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 the Land Development Code. *Applicants for development proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA) Obstruction Evaluation shall submit a Determination of No Hazard to Air Navigation to the ~~CCDC~~ Civic San Diego -President and the City Manager prior to issuance of a building permit.*
- (3) 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.
- (4) *Commercial Street* Overlay (CS). On *commercial streets*, a minimum of 60 percent of the *ground-floor street frontage* shall contain *active commercial uses*. Along the west side of Park Boulevard, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*. Uses appropriate for *commercial streets* are identified in Table 156-0308A, under *Main Street/Commercial Street* overlays. Alternative interim uses may be permitted pursuant to Section 156.0315(e).

- (5) County Administration Center Design Zone Overlay (CAC). This overlay district ensures that new *development* surrounding the historic County Administration Center on Pacific Highway is sympathetic in scale, character, and height to this important landmark. New *development* shall conform to the Design Guidelines for the Pacific Highway–County Administration Center Design Zone on file in the ~~CCDC~~ Civic San Diego -offices.
- (6) 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. Residential uses in this district shall not exceed 50 percent of the *gross floor area*, counted against the *base FAR* as illustrated in Figure H, within any *development*. *Development* approved through an *OPA* or *DDA* may phase *development* build-out, allowing non-employment phases to precede employment phases, subject to strict performance standards established by set timeframes for *employment use* construction plan completion, plan submittal, and other requirements to ensure timely completion. In order to meet the 50 percent *employment use* requirement, a *development* may not include any employment area for which building permits have been obtained and construction commenced before May 3, 2006. In the E District, existing *floor area* dedicated to *employment use* or similar commercial use shall not be converted to any non-*employment use*. Uses appropriate for the E overlay are identified in Table 156-0308-A, under Employment Overlay.
- (7) 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.
- (8) 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*.

(9) Limited Vehicle Access Overlay. No curb cuts are permitted on the street(s) designated on Figure E pursuant to, and subject to exceptions as provided in, Section 156.0313 (1)(4).

~~(9)~~(10) Little Italy Sun Access Overlay (LISA). The LISA District maintains adequate sunlight and air to sidewalks and residential areas of Little Italy, as designated in Figure F, during the winter solstice (on or about December 21) between 10:30 a.m. and 1:30 p.m. The LISA Overlay establishes a *building envelope*, as illustrated in Figure N, which applies to the whole block.

(10) 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 156-03080-A, under Main Street/Commercial Street overlays. Alternative interim uses may be permitted pursuant to Section 156.0315(e).

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

(12) 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.

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

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

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

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

§156.0308 Base District Use Regulations

(a) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(b) *Previously Conforming* Land Uses and *Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exception that the *gross floor area of previously conforming* uses and *structures* may be expanded up to 100 percent through a Neighborhood Use Permit.

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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 = <i>Main Street</i> ; CS= <i>Commercial Street</i> ; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	L	P	P			
Agriculture	--	--	--	--	--	--	--	--	--	--	--	--	--			
<i>Community Gardens</i>	P	P	P	P	--	P	P	--	--	P	--	P	--	§123.0601- 0606, §141.0203		
Residential¹																
<i>Group Living</i>	L	L	L	L	--	L	L	--	--	L	L	--	--			
<i>Multiple Dwelling Units</i>	P	P	P	P	--	P	P	--	--	P	L	--	--			
<i>Shopkeeper Units</i>	P	P	P	P	--	P	P ²	--	--	P	L	--	--			
<i>Live/Work Quarters</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0311		
Separately Regulated Residential Uses																
<i>Fraternities, Sororities and Dormitories</i>	N	N	N	N	--	N	N	--	--	N	N	--	--	§141.0304 (c)-(e)		
<i>Home Occupations</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§141.0308		
<i>Senior Housings</i>	C	C	C	C	--	C	C	--	--	C	C	--	--	§141.0310 §156.0309(e)(1)		
<i>Living Units</i>	P	P	P	P	--	P	P	--	--	P	L	--	--	§156.0315 (b)		
<i>Residential Care Facilities</i>	C	C	C	C	--	C	C	--	--	C	L	--	--	§141.0312		
<i>Transitional Housing</i>	C	C	C	C	--	C	C	--	--	C	C	--	--	§141.0313		
Institutional																
<i>Public Safety Facilities</i>	P	P	P	P	P	P	P	P	P	P	L	P	P		MS, CS, E	
Separately Regulated Institutional Uses																
<i>Churches & Places of Religious Assembly</i>	P	P	P	P	--	P	C	--	--	P	L	--	--		CS	
<i>Communication Antennas</i>																
<i>Minor Telecommunication Facility</i>	L	L	L	L	L	L	N	L	L	L	L	C	L	§141.0420		
<i>Major Telecommunication Facility</i>	C	C	C	C	C	C	C	C	C	C	L	C	C	§141.0420		

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

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 S = Site Development Permit Required; MS = *Main Street*; CS= *Commercial Street*;
 E= Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Satellite Antennas	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405	
Correctional Placement Centers	C	--	--	--	--	C	--	--	--	C	--	--	--	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	C ⁹	--	--	P	L	P	P		MS,CS, E
Educational Facilities	P	P	P	P	P	P	C ⁹	--	--	P	L	--	P		CS,E
Energy Generation & Distribution Stations	C	C	C	C	C	C	--	C	C	C	--	--	C	§141.0408	
Exhibit Halls & Convention Facilities	--	--	--	--	--	C	--	C	C	C	L	--	P		E
<i>Historical Buildings</i> Occupied by Uses Not Otherwise Allowed	C	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(d)	
Homeless Facilities ⁶	C	--	C	C	--	C	--	--	--	C	C	--	--	§141.0412 §156.0315(e)	
Hospitals, 24-hour Emergency Clinics, Intermediate Care Facilities, and Nursing Facilities	P	C	P	P	--	P	--	--	--	P	L	--	P		CS, E
Major Transmission, Relay or Communication Switching Station	C	--	C	C	--	C	--	C	C	--	--	--	--	§141.0416	
<i>Social Service Institutions</i>	C	--	C	C	--	C	--	--	--	C	C	--	--	§156.0315(e)	CS
Retail Sales	P	P	P	P	P	P	P	P	--	P	L	--	P	§156.0307 (a), (b) & Figure C	MS, CS, E
Commercial Services															
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	--	--		CS, E
<i>Assembly & Entertainment</i>	P	P	P	P	P	P	--	--	--	P	L	P	P		CS, E
<i>With Live Entertainment</i>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>§156.0315(c)</u>	
With Outdoor Use Area	N	N	N	N	N	N	--	--	--	N	N	N	N		

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

LEGEND: P = Permitted by Right; C = Conditional Use Permit Required;
 -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required;
 S = Site Development Permit Required; MS = *Main Street*; CS= *Commercial Street*;
 E= Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Building Services	P	P	P	P	P	P	--	--	--	P	--	--	--		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E
Eating & Drinking Establishments															
<i>Bona Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	L	P	P	§156.0315 (a)	MS, CS, E
<i>Non-Bona Fide Eating Establishments w/Alcohol</i>	NC	NC	NC	NC	NC	NC	N-	--	--	NC	NC	---	NC	§156.0315 (ab)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	P	§156.0315(b)(2)	
<i>Brewpub Tasting Rooms</i>	N	N	N	N	N	N	N	--	--	N	N	--	N	§156.0315(b)(3)	
With Outdoor Use Area	N	N	N	N	N	N	N	--	--	N	N	P	N		MS, CS, E
With Live Entertainment & Dancing	CL/N/ C	L/N/ CE	L/N/ CE	L/N/ CE	L/N/ CE	L/N/ CE	--	--	--	L/N/CE	L/N/C E	--	L/N/C E	§156.0315 (ac)	MS, CS, E
<i>Mobile Food Facilities</i>	C	C	C	C	C	C	C	--	--	C	C	C	--		
Financial Institutions	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--	--		CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	L	--	P		CS, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	--	P		
Personal Services	P	P	P	P	P	P	P	--	--	P	--	--	P		MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	--	P		CS, E
Visitor Accommodations															
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	--	--	--	P	L	--	P		CS, E
Separately Regulated Commercial Service Uses															
Animal Hospitals & Kennels	N	--	N	N	--	N	N	--	--	--	--	--	--	§141.0604(b)(1) §141.0625	CS
<i>Bed & Breakfast</i>	P	P	P	P	--	P	P	--	--	P	L	--	--		CS

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 S = Site Development Permit Required; MS = *Main Street*; CS= *Commercial Street*;
 E= Employment Overlay

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<i>Establishments</i>															
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	L	--	P		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	L	--	P		MS, CS,E
<i>Outdoor Activities</i>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>--</u>	<u>--</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>156.0315 (d)</u>	<u>MS, CS</u>
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	C	\$156.0313	MS, CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	L	--	P		
Pushcarts	L/N	L/N	L/N	L/N	L/N	L/N	--	--	L/N	L/N	L/N	L/N	L/N	\$141.0619	
<i>Recycling Facilities</i>															
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	\$141.0620 (b)	
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	--	L	\$141.0620 (c)	
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	\$141.0620 (e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	--	L	\$141.0620 (d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	--	\$141.0620 (f)	
Sidewalk Cafes ¹¹	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	--	--	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	\$141.0621	
SRO Hotels	P	P ³	P	P	--	P	P	--	--	--	--	--	--	\$143.0510 - \$143.0590	
Offices	P	P	P	P	P	P	P	--	--	P	L	--	P		E
Vehicle & Vehicular Equipment Sales & Service															
Personal Vehicle Sales & Rental Offices	P	P	P	P	P	P	--	P	--	P	--	--	P		CS, E
All Other Vehicle & Vehicular Equipment	--	--	--	--	--	C	--	C	C	--	--	--	--		

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

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

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Sales & Services															
Separately Regulated Vehicle & Vehicle Equipment & Service Uses															
Automobile Service Stations	--	--	C	C	C	C	--	C	C	--	--	--	--	§141.0801	
Wholesale, Distribution & Storage															
Moving & Storage Facilities	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--	--		
Warehouses & Wholesale Distribution	L ⁴	--	L ⁴	L ⁴	P	P	--	P	P	--	--	--	--		
Separately Regulated Wholesale, Distribution & Storage Uses															
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	N	--	N		
Industrial															
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	--		
Light Manufacturing	P	--	P	P	P	P	--	P	P	--	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--	--		
Research & Development	P	--	P	P	--	P	--	P	P	--	--	--	--		E
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--	--		
Signs															
Allowable Signs	P	P	P	P	P	P	P	P	P	P	L	P	P	§142.1201 §142.1292 §156.0314	
Separately Regulated Sign Uses															
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1101 §141.1104	
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1103	
Revolving Projecting	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1104	

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 = <i>Main Street</i> ; CS= <i>Commercial Street</i> ; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<i>Signs</i>															
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	N	§141.1105	
Theater Marquees	N	N	N	C	N	N	N	--	--	N	N	N	N	§141.1106	
Other Use Requirements															
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401	
<i>Outdoor Activities</i>	€	€	€	€	€	€	€	-	-	€	€	€	€		MS,CS

Footnotes to Table 156-0308-A

- 1 Not permitted on state or federal tidelands.
- 2 Commercial use *floor* area contributes to 20 percent commercial use allowance and is subject to locational limits of districts.
- 3 ~~Up to 200 rooms permitted.~~ Requires active ground-floor uses along *street frontages*.
- 4 Limited to 20 percent *gross floor area* above *grade*.
- 5 Uses designated with CS, MS, or E must meet minimum percentages specified in sections 156.0307(b) (4), (6), and (10).
- 6 Notwithstanding any other Section of the Municipal Code, the required quarter mile separation between human service agencies shall not apply to multiple uses on the same *premises*.
- 7 These districts include properties that may be within state tidelands or under the ownership of the United States government, County of San Diego, or Port of San Diego. Lands west of the mean high tide line are under the jurisdiction of the Port of San Diego, and this Table is for planning purposes only. Lands owned by the United States are regulated by the federal government and may be subject to development agreement(s) executed with the City of San Diego. Lands owned by the County of San Diego are regulated by the County of San Diego and the California Coastal Commission, except for private *development* which is also subject to the Centre City Planned District Ordinance.
- 8 Structured parking facilities incorporated into a *development* as an *accessory use* shall be permitted by right and do not require a Conditional Use Permit.
- 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.
- 10 All uses listed in Table 156-0308-A as a Limited Use, permitted with a Neighborhood Use Permit, or permitted with a Conditional Use Permit may only be permitted within a *mixed-use development* containing a *public safety facility*.

11 Sidewalk cafes permitted pursuant to Section 141.0621 shall be permitted to provide a minimum four-foot solid pavement walkway clearance when the face-of-curb to property line distance is twelve feet or less.

~~12 *Outdoor activities* may provide accessory *live entertainment* no more than six times each calendar year with a Temporary Use Permit without being required to obtain a CUP.~~

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TABLE 156-0308-B: MINIMUM AND MAXIMUM PERMITTED ACTIVE COMMERCIAL USE¹

Land Use District or Land Use Overlay	Minimum Required Ground-Floor Street Frontage for Active Commercial Use	Maximum Permitted Ground-Floor Street Frontage for Active Commercial Use ^{1,3}
Parcels located in the <i>Main Streets</i> (MS) Overlay, in any Land Use District	80 percent	100 percent
Parcels located in the <i>Commercial Streets</i> (CS) Overlay, in any Land Use District ²	60 percent	100 percent
Core (C)	40 percent	100 percent
Neighborhood Mixed-Use Center (NC)	40 percent	100 percent
Ballpark Mixed-Use (BP)	40 percent	100 percent
Employment/Residential Mixed-Use (ER)	None	100 percent
Waterfront/Marine (WM)	20 percent	50 percent
Mixed Commercial (MC)	None	100 percent
Residential Emphasis (RE)	None	100 percent
Convention Center/Visitor (CC)	20 percent	50 percent
Public/Civic (PC)	40 percent	100 percent
Park/Open Space (OS)	None	None
Industrial (I)	None	20 percent
Transportation (T)	None	None

1 Any parcel of 10,000 square feet or fewer is exempt from the minimum and maximum set forth in this table except for those sites on *main streets* or *commercial streets* with a 50-foot *street frontage* or more, in which case, that frontage is required to provide 50 percent of the frontage in *active commercial uses*.

2 Along the west side of Park Boulevard, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*.

3 The maximum permitted *ground-floor street frontage* shall not result in less than 20 feet of storefront.

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

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

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

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

§156.0309 FAR Regulations and TDRs

(a) Base Minimum and Maximum FARs

The minimum and maximum *base FARs* for each site within the Centre City Planned District are illustrated in Figure H; these *FARs* set parameters for the general bulk and intensity of *development*. All *development* proposals must meet the minimum *FAR* specified in Figure H.

(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.

(c) *Development Permit FAR*

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The developer may subdivide the property into individual ownerships, but the permitted *FAR* for any subdivided units remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*.

(d) 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.

(e) *FAR Bonuses*

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

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

TABLE 156-0309-A: FAR BONUS

Public Benefit/ <i>Development</i> Amenity	<i>FAR Bonus</i> (to be added to maximum <i>Base FAR</i>)
Affordable Housing	See (1) below
<i>Urban Open Space</i> 10% of site 20% of site	See (2) below 0.5 1.0
Three- <i>bedroom</i> units	0.5 – See (3) below 1.0 – See (3) below
<i>Eco-Roofs</i>	Up to 1.0 – See (4) below
<i>Employment Uses</i>	See (5) below
Public Parking	See (6) below
<i>FAR</i> Payment Bonus Program	Up to 2.0 – See (7) below
Green Building	Up to 2.0 – See (8) below

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

In compliance with the State Density Bonus Law (California Government Code Sections 65915 through 65918), *applicants* may earn *FAR bonus* subject to the following:

(A) *Development* utilizing the *density* bonus provisions of Tables 143.07A, 143.07B, and 143.07C of Chapter 14, Article 3, Division 7 shall be entitled to a percent *FAR bonus* equivalent to the percent *density* bonus cited in these tables subject to meeting all other provisions of Chapter 14, Article 3, Division 7.

(B) *Development* providing affordable housing utilizing the *FAR bonus* provisions in Table 156-0309-B may provide either rental or for-sale affordable units, regardless of whether the market rate 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 Chapter 14, Article 3, Division 7:

- (i) The qualifying affordable housing units shall be measured as a percentage of the residential portion of the *development* based on the *base FAR*, prior to the granting of any bonuses.
- (ii) The *FAR bonus* for *development* containing affordable housing shall be calculated as follows:

Permitted *FAR* = Base GSF - NR GSF x Affordable Bonus % + Base GSF /Site Area, where:

Permitted *FAR* = Base Gross Square Feet (GSF) permitted on the site (maximum *base FAR* from Figure H times the site area) minus the GSF of non-residential (NR) area, multiplied by affordable bonus percentage (%) as specified in Table 156-0309-B, plus Base GSF permitted on the site, divided by site area. NR GSF shall not include non-residential area that is earned through one of the other *FAR Bonus* programs such as *urban open space*, *eco-roofs*, public parking, or *FAR Payment Program*.

- (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).
- (iv) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be restricted for a minimum of 55 years for rental units and 45 years for for-sale units.
- (v) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be subject to income and rental rates/sales price requirements to qualify as affordable units under State Density Bonus Law (California Government Code Sections 65915 through 65918).
- (vi) Affordable housing units are not required to be distributed vertically throughout *floors* in high-rise *development*.

TABLE 156-0309-B: FAR BONUSES (%)			
% Restricted Units in Base (Pre-Bonus) FAR	Very Low-Income Rental (0 – 50% AMI) (Restricted for at least 55 years)	Low-Income Rental (51% - 80% AMI) (Restricted for at least 55 years)	Moderate For-Sale (81- 120% AMI) (Restricted for at least 45 years)
5	22	10	10
6	24	15	15
7	26	20	20
8	29	25	25
9	32	30	30
10 or more	35	35	35
11	"	"	"
13	"	"	"
14	"	"	"
15	"	"	"
16	"	"	"
17	"	"	"
18	"	"	"
19	"	"	"
20	"	"	"
21	"	"	"
22	"	"	"
23	"	"	"
24	"	"	"
25	"	"	"

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

- (A) The urban open space shall be designed to meet the criteria listed in the Downtown Design Guidelines.
- (B) The urban open space shall be open to the general public at least between the hours of 6:00 a.m. and 10:00 p.m. every day. The open space area shall have signs indicating that the public is welcome and the hours of closure, if applicable.

- (C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the open space area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the ~~CCDC~~ *Civic San Diego* President and the City Attorney's Office.
- (3) *Three-Bedroom Units*. To encourage larger *dwelling units* and accommodate larger *families*, *developments* that provide three-*bedroom* units comprising a minimum of 10 percent of the total amount of residential *dwelling units* within the *development* 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 three-*bedroom dwelling unit* used to earn the *FAR bonus* shall not exceed 1,300 square feet;
- (C) Each *bedroom* in the *dwelling unit* used to earn the *FAR bonus* shall contain a minimum of 70 square feet, with additional area for an enclosed closet;
- (D) *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;
- (E) *Development* providing at least 50 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 0.5; and,
- (F) *Development* providing at least 80 percent of the *gross floor area* for residential use may earn a *FAR bonus* of 1.0.
- (4) *Eco-Roofs*. *Eco-roofs* reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest. To encourage landscaped and ecologically designed roof tops, a *FAR bonus* may be earned based on the amount of *eco-roof* area. *Eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the ~~CCDC~~ *Civic San Diego* -President prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.
- (A) 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:

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

(C) All vegetation must be maintained in perpetuity.

(5) *Employment Uses*. To encourage the *development* of *employment uses* in the Centre City Planned District, a *FAR bonus* may be earned for the provision of *employment uses* within the *development*. In the Employment Overlay District, *development* containing 100 percent *employment uses*, excluding *hotel/motel* uses, may increase their *FAR* by the maximum *FAR* illustrated on Figure L. 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.

- (6) Public Parking. One square foot of *FAR bonus* may be earned for every square foot of parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to ~~CCDC~~ *Civic San Diego* -and the City of San Diego.
- (7) *FAR* Payment Bonus Program. A *FAR* Payment Bonus Program has been established to permit *applicants* to purchase additional *FAR*. The maximum amount of *FAR* which may be purchased through this program shall be as shown in Figure J.
- (8) Green Building. The Centre City Green (CCG) Building Incentive Program awards *development* incentives for buildings that exceed the California Green Building Standards Code (CALGreen). Two different paths to earn an *FAR bonus* are available to *applicants* as follows:
- (A) *Performance Path*. The *Performance Path* allows *applicants* to demonstrate a high level of building sustainability by achieving a targeted level of performance in an existing voluntary green building rating system. Approved rating systems include:
- (i) CALGreen Tier I & II: As adopted by the State of California, CALGreen includes voluntary performance tiers; Tier II is a higher level of performance than Tier I.
- (ii) LEED®: The US Green Building Council (USGBC) manages LEED® Core & Shell and LEED® for new construction.
- (B) *Prescriptive Path* allows *applicants* to select from a menu of green building options that improve performance in one or more CCG *Sustainability Indicators*. Each prescriptive measure is assigned a point value that represents the extent of impacts to the CCG *Sustainability Indicators*. Incentives earned depend upon the combined point total of the measures selected by the *applicant*. For specific details about the green building options, see the CCG Submittal Manual adopted by the ~~CCDC~~ *Civic San Diego* -Board on July 27, 2011 on file in the office of the City Clerk as Document No. OO-20117.

Performance levels determine the extent of *FAR bonuses* and are based on total points earned within the *Performance Path* or *Prescriptive Path*. The *FAR Bonus* for both the *Prescriptive* and *Performance Paths* are summarized in Table 156-0309-C.

Table 156-0309-C: GREEN BUILDING FAR BONUS			
Performance Level	Prescriptive Path Requirements	Performance Path Requirements	FAR Bonus
High Performance Green	45-59 CCG Points	CALGreen Tier 2 or LEED® Silver	1.0
Signature Green	60+ CCG Points	LEED® Gold or higher	2.0

- (C) To qualify for incentives, an *applicant* must select either the *Prescriptive* or *Performance Path* (Paths cannot be combined) at the time of *development* application and complete the steps as outlined in the CCG Submittal Manual.
- (D) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a *FAR Bonus*. These provisions of the *CC&Rs* shall be approved by the CCDC Civic San Diego -President and the City Attorney's Office.
- (E) All vegetation that is an integral part of a selected path must be maintained in perpetuity.
- (F) 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.
- (G) *LEED® Certification Performance Guarantee*. *Applicants* requesting an *FAR Bonus* who propose to utilize the *Performance Path* through *LEED®* certification shall, prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee approved by the CCDC Civic San Diego -President and the City Attorney's

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

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

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

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

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

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

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

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

LEED® certification for the *applicant's* desired *FAR Bonus*, the entire amount of the surety, deposit, or other suitable guarantee shall be refunded to the *applicant*.

(f) Exemptions from *FAR* Calculations

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

- (1) *Historical Buildings*. Any floor area within the *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 reconstructed 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 or Neighborhood Development Permit procedures, in accordance with Chapters 11 through 14 of the Land Development Code.
- (2) *Public Uses*. If a *development* incorporates a building or portion of a building that is owned by the City of San Diego, as the Successor Agency to the former the Redevelopment Agency, or a public school district, and it is utilized for a public purpose such as a community recreation center, fire station, public school, or other similar public use as determined by the CCDC Civic San Diego President, the floor area of that public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.
- (3) *Public Parking*. Above-grade parking areas permanently available for public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. A public parking easement shall be executed for such facilities with restrictions and covenants acceptable to CCDC Civic San Diego and the City of San Diego.
- (4) *Main/Commercial Streets*. All floor area located on the ground floor or ground-floor mezzanine that is directly accessible to the street and is dedicated to *active commercial uses* on *main streets* or *commercial streets* shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.
- (5) *Cultural Uses*. Any floor area provided within a *development* that is dedicated to a *cultural use* or other similar use as approved by the CCDC Civic San Diego -President, shall not be counted as

gross floor area for the purposes of calculating the *FAR* for the *development*. *CC&Rs* shall be recorded on the property ensuring the use of such space for similar *cultural uses* in perpetuity.

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

- (1) 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.
- (2) Eligible Sites. Eligible *receiving sites* are those sites identified in Figure K. Eligible park *TDR sending sites* are those sites identified as future *public park* sites in the Downtown Community Plan and in Figure C. Eligible *historical resource TDR sending sites* must contain a *designated historical resource* and qualify under either (A) or (B) below:

- (A) 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 *CCDC Civic San Diego- President* verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.

The *CCDC Civic San Diego- President* has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion, upon recommendation from *CCDC Civic San Diego*, to approve a transfer of *gross floor area* to a *TDR bank* to be maintained and tracked by the *CCDC Civic San Diego President* on behalf of the City. The amount of *gross floor area* approved for transfer shall be determined based on the permitted transferable *gross floor area*, the extent of the

rehabilitation and preservation costs needed for the *historical resource*, and the potential for appropriate future *development* on the *sending site* to achieve the goals and policies of the Downtown Community Plan and this Section.

- (3) 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.
- (4) Allowable Transfers. All of the allowable *gross floor area* on a *sending site* may be transferred in its entirety, to a single *receiving site* or entity, or in separate increments to several *receiving sites* in accordance with the procedures of Section 156.0309(g)(7). *Gross floor area* may be transferred either directly from the owner of the *sending site* to the owner of a *receiving site*, or to a *TDR bank* maintained and tracked by the ~~CCDC~~ *Civic San Diego* -President on behalf of the City. The City may acquire the *gross floor area* from the owner of a *sending site* and maintain such *gross floor area* for subsequent transfers to *receiving sites*.
- (5) 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*.

(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.

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

(A) *Certificate of Transfer*. The owner of a *sending site* wishing to transfer permitted *gross floor area* from the *sending site* shall execute a *certificate of transfer*. The *certificate of transfer* shall contain all of the following:

- (i) The names and mailing addresses of the transferor (original owner of the *sending site*) and transferees (owner(s) of the *receiving site(s)* or the *TDR* bank) of the *gross floor area*.
- (ii) Execution and acknowledgement of the transfer of the *gross floor area* by the transferor of the *gross floor area*, all parties with record title interest in the real property of the *sending site*, the transferees of the *gross floor area*, and the ~~CCDC~~ Civic San Diego-President.
- (iii) The amount of *gross floor area* transferred (in square feet); and
- (iv) The addresses, legal descriptions, assessor's parcel numbers, and land use districts of the *sending site* and *receiving site*.

(B) Approval by ~~CCDC~~ Civic San Diego-President. The ~~CCDC~~ Civic San Diego-President shall not execute the *certificate of transfer* if a transfer of the *gross floor area* would be prohibited by any provision of the San Diego Municipal Code.

- (C) Recordation. Each duly executed and acknowledged *certificate of transfer* containing the information required by this Section shall be recorded in the County Recorder's office. The County Recorder shall be instructed to mail the original *certificate of transfer* to ~~CCDC~~ *Civic San Diego*, with copies to both the transferor and transferee of the *gross floor area*.
- (D) Property Deed. In addition to a *certificate of transfer*, the owner(s) of a *sending site* involving a *TDR* for *public park* land shall execute a deed transferring ownership of the site to the City.
- (E) Approval for *Development*. When the use of *TDR* is necessary for the approval of a building permit for a *development* on a *receiving site*, the City shall not issue any building permits for that site unless the ~~CCDC~~ *Civic San Diego*-*President* has issued a written verification that the owner of the *receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.

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

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

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

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

(Amended 5-7-2012 by O-20153 N.S.; effective 6-6-2012.)

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

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

§156.0310 Development Regulations

- (a) **Minimum Lot Size and Lot Coverage.** Minimum *lot size* or *lot coverage* requirements of the Land Development Code shall not apply in the Centre City Planned District.
- (b) **Minimum Building Setbacks.** The ~~CCDC~~ *Civic San Diego- President* may require up to a 10-foot interior *property line setback* where a *development* is adjoining an existing residential *development* to maintain minimum provisions for light and air.
- (c) **Building Height.** The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structures* up to 30 feet high that conceal mechanical equipment and elevator and stair overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of the parapet(s) of the nearest building wall(s). The maximum heights of buildings are illustrated in Figure F, with the following additional restrictions:
 - (1) Within the Little Italy Sun Access Overlay, *building height* shall not exceed 150 feet. A maximum *building envelope* height shall be further defined as follows and as illustrated in Figure N:
 - (A) On blocks north of Cedar Street, all *street frontages* shall be defined by a maximum 50-foot *street wall*. Above the 50-foot *street wall*, the maximum *building envelope* shall be defined by:
 - (i) a 45-degree angle up to a maximum height of 150 feet on the east and west frontages of a block facing onto a *street*; and
 - (ii) a 15-foot *stepback* above the 50-foot *street wall* on the north and south frontages of a block facing onto a *street*.

- (B) On the blocks between Beech Street and Cedar Street, the maximum height shall be determined in accordance with Section 156.0310(d), with an additional maximum *building envelope* height defined by a 45-degree angle measured from a height of 50 feet along the northern *property line* of a block *street frontage* to a maximum height of 335 feet, measured 15 feet northerly of the southern *property line* of a block *street frontage*.
- (C) Along ~~one each~~ side of a building, a *street wall* may be increased to a maximum height of 85 feet along a maximum of 40 percent of the building frontage to provide required Fire Department access. The building shall then *stepback* to comply with the *building envelopes* described in Sections 156.0310(c)(1)(A)-(B).
- (2) For sites within the Park Sun Access Overlay, building heights shall be determined by Figure M.
- (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

Land Use Districts	Residential Emphasis (RE)	Neighborhood Mixed -Use Center (NC)	All other Land Use Districts	Employment (E) or Large Floorplate (LF) Overlays	Little Italy Sun Access Overlay (LISA)	Properties West of Kettner Boulevard
Building Height (feet from ground level)						
<i>Building Base/Street wall</i>						
Minimum	45	45	45	45	30/40 ¹	45
Maximum	85	65/85 ³	85	85	50/85 ⁵	85
<i>Mid-Zone</i>						
Maximum	N/A	N/A	N/A	180	N/A	N/A
<i>Tower</i>				Maximum Height Per Figure F		
Maximum Lot Coverage						
<i>Building Base</i>	100%	100%	100%	100%	100%	100%
<i>Mid-Zone</i>	N/A	N/A	N/A	80%	N/A	N/A
<i>Tower</i>	50%	50%	50%	60%	50%	50%
Tower Floor Plate Dimensions						
North-South	200	140	200	200	110	140
East-West	130	130	130	150	110	130
Tower Setbacks						
From <i>Public Right-of-Way</i>	15 ²	15 ² /25 ³	15 ¹	15 ²	15	15 ²
From <i>Interior Property Line</i>	20 ⁴	20 ⁴	20 ⁴	20 ⁴	20 ⁴	20 ⁴
<ol style="list-style-type: none"> 1 See Section 156.0310(d)(1)(D)(iii). 2 See Section 156.0310(d)(3)(D) for exemptions. 3 Applied along <i>main streets</i> with a general north-south orientation, see Section 156.0310(d)(1)(E)(iv) for exemptions. 4 See Section 156.0310(d)(3)(E) for exemptions. 5 See Section 156.0310(c)(1)(A) for sites located north of Cedar Street. 						

(1) *Building Base*

- (A) *Maximum Lot Coverage.* The maximum *lot coverage* for the *building base* shall be 100 percent.
- (B) *Street Wall Frontage.* A *street wall* containing habitable space shall be provided along 100 percent of the *street frontage*, with the following exceptions:
- (i) ~~Public parks or plazas~~ *Urban open spaces* subject to the Downtown Design Guidelines;
 - (ii) *Courtyard* entrances up to 30 feet wide in residential *development*. Any security gating or fencing across a *courtyard* entrance shall be a minimum of 75 percent open to provide views into the *courtyard*;
 - (iii) Recessed entrances a maximum of 25 feet wide and a maximum of 15 feet deep;
 - (iv) Internal entry courts, auto courts, or auto drop-offs may be allowed behind the required *street wall*;
 - (v) Patios and balconies in front of habitable space may qualify as *street wall* through the Centre City Development Permit review process; or
 - (vi) Portions of *development* sites associated with documented active faults or no-build easements may be exempted from the *street wall* requirements.
- (C) *Street Wall Setback.* The *street wall* shall be located within 5 feet of the *property line* adjoining any *street* (measured after any required *public right-of-way* dedication).
- (D) *Minimum Street Wall Height.* The minimum height of the *street wall* shall be 45 feet in accordance with Table 156-0310-A with the following exceptions:

- (i) For *development* involving a *designated historical resource*, a lower *street wall* height may be approved as part of the *Design Review* process. *Street wall* height and design will also be subject to the review and approval processes pertaining to *historical resources* contained within Chapters 11 through 14 of the Land Development Code.
- (ii) For *development* in designated view corridor *streets*, the minimum *street wall* height may be lowered to 30 feet to comply with Table 156-0310-B.
- (iii) Within the Little Italy neighborhood, the minimum *street wall* height may be reduced to 40 feet north of Beech Street and 30 feet north of Ivy Street.
- (iv) In residential *development*, an exception to this minimum height may be approved for roof-top open space if the area is located over 30 feet above the sidewalk *grade* and measures no more than 50 feet along the *street wall*.

(E) **Maximum Street Wall Height.** The maximum height of the *street wall* shall be between 50 and 85 feet as specified in Table 156-0310-A, measured from the average *grade* of the adjoining sidewalk to the top of the parapet (may be calculated in 100 foot increments for sites with grades greater than 5 percent) subject to the following exceptions:

- (i) For buildings with the highest habitable *floor* line at or below 75 feet, up to 50 percent of the *street wall* may be increased to 95 feet to accommodate taller *top-floor* units.
- (ii) For buildings within the Large Floorplate or Employment Overlay Districts, the *street wall* may be extended up into the *mid-zone* without any *building façade setbacks*.
- (iii) For buildings containing a *tower*, the *street wall* may be extended up into the *tower* without any *building façade setbacks* as provided in Section 156.0310(d)(3)(D).

(iv) For *development* within Neighborhood Mixed-Use Centers, a maximum *street wall* height of 65 feet applies along *main streets* with a north/south orientation. However, if the *development* does not have frontage on any other public *street*, the *street wall* height may be increased to 85 feet if determined necessary for Fire Department access.

(F) View Corridor *Setbacks* and *Stepbacks*.

Buildings shall be set back, or upper *floors* shall provide *stepback*, along those sections of view corridor *streets* designated in Figure G, in accordance with Table 156-0310-B. The *setback* or *stepback* shall be measured from the *property line* adjoining any public *street* (measured after any required *public right-of-way* dedication), or from any extensions of *public right-of-way* lines for *streets*.

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

TABLE 156-0310-B: VIEW CORRIDOR STEPBACKS		
STREET (refer to Figure G for applicable locations)	Required <i>Stepback</i> (Feet)	<i>Stepback</i> Elevation (Feet)
Laurel Street	15	30
Juniper Street	15	30
Ivy Street	15	30
Hawthorne Street	15	30
Grape Street	15	30
Fir Street	15	30
Date Street		
– West of Pacific Hwy	20	Ground Level
– East of Pacific Hwy	15	30
Cedar Street		
– West of India Street	15	Ground Level
– India Street to First Avenue	15	50
Beech Street		
– West of Pacific Highway	20	Ground Level
– Pacific Highway to Kettner Boulevard	15	30
– Kettner Boulevard to Sixth Avenue	15	50
Ash		
– West of Kettner Boulevard	25	50
– Kettner Boulevard to Sixth Avenue (south side only)	15	50
A Street	25	50
B Street	25	50
C Street	25	50
Broadway		
– Harbor Drive to Pacific Hwy (W ½ block)	65	Ground Level
– Harbor Drive to Pacific Hwy (E ½ block)	55	Ground Level
– Pacific Hwy to Kettner Boulevard	40	Ground Level
– Between Kettner Boulevard and Park Boulevard	15	Ground Level
E Street	25	50
F Street	25	50
G Street	25	50
Pacific Highway	25	45-130
Park Boulevard (south of K Street)	10	60
	30	90

(2) *Mid-Zone*

Maximum *lot coverage* and maximum height of the *mid-zone* shall be in accordance with Table 156-0310-A, and may be provided only within the Large Floorplate or Employment Overlay Districts, subject to the following regulations:

- (A) *Maximum Lot Coverage.* The maximum *lot coverage* for the *mid-zone* shall be 80 percent of the *lot area*.
- (B) *Maximum Height.* The maximum height of the *mid-zone* of a building is 180 feet.

(3) *Tower*

- (A) *Maximum Lot Coverage.* The maximum *lot coverage* of the *tower* of the building shall be 50 percent of the *lot area*, or a maximum 60 percent of *lot area* within the Large Floorplate or Employment Overlay Districts in accordance with Table 156-0310-A.
- (B) *Maximum Tower Dimensions.* The maximum *tower floor plate* dimensions shall be as specified in Table 156-0310-A. Dimensions of individual *towers* shall be measured from elevation drawings and regulate the maximum possible profile dimension for the *tower*, including *floor area* within oriel windows.
- (C) *Tower Separation.* Within a single *development*, *towers* shall be separated by a minimum of 60 feet for sites of 50,000 square feet or more, or located west of Kettner Boulevard or in the Little Italy Sun Access Overlay District. For sites containing less than 50,000 square feet, except for those sites located west of Kettner Boulevard or in the Little Italy Sun Access Overlay District, *towers* shall be separated by a minimum of 40 feet.
- (D) *Tower Setback from Public Streets.* *Towers* shall be set back from any *property line* adjoining a public *street* by a minimum of 15 feet, with the following exceptions:
 - (i) One side of any *tower* shall be exempt from this *setback* requirement, except within the Little Italy Sun Access Overlay District.

- (ii) Two sides of a *tower* may be exempted from this *setback* requirement when it is determined through the *Design Review* process that the resulting design is improved and does not result in massing inconsistent with the neighborhood. This provision does not apply within the Little Italy Sun Access Overlay District.
 - (iii) In Neighborhood Mixed-Use Centers, the *tower* shall always be set back a minimum of 25 feet from any *property line* along a designated *main street* with a general north/south orientation.
- (E) *Tower Setback from Interior Property Lines.* Towers shall avoid blank walls, allow glazing, and be set back from interior *property lines* adjoining another parcel by a minimum of 20 feet, subject to the following two exceptions:
- (i) If the *applicant* can demonstrate that construction techniques permit glazing with views into, and out from, habitable areas within the *tower*, this *setback* may be reduced to 10 feet if any existing *tower* on an adjacent parcel is located a minimum of 40 feet from the proposed *tower*; or
 - (ii) If an existing *tower* on an adjoining parcel contains a blank, solid wall with less than a 20-foot *setback* from the common *property line*, then the proposed *tower* may reduce or eliminate its *setback* along that portion of the common *property line* that aligns with the *tower* on the adjoining parcel (creating a *blank wall to blank wall* condition).

(F) *Upper Tower*

The upper 20 percent of any *tower* (measured above the *building base*, or above the *mid-zone* for Employment Overlay and Large Floorplate Overlay Districts) shall achieve an articulated form and composition using architectural techniques as described in the Downtown Design Guidelines.

(e) Ground-floor Heights

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

- (1) 12 feet for buildings containing ground-floor residential uses;
- (2) 15 feet, ~~but not less than 13 feet~~, for buildings containing ground-floor non-residential uses; and
- (3) 20 feet, ~~but not less than 18 feet~~, for buildings containing ground-floor *active commercial uses* within the Neighborhood Mixed-Use Centers or along *main streets*, with the exception of the Little Italy Neighborhood Center, which may have a minimum 15-foot ~~minimum~~ ground-floor height.

(f) Commercial Space Depth

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

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

(g) Residential *Development* Requirements

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

(1) Common Outdoor Open Space

Each *development* shall provide *common outdoor open space* either at *grade*, podium, or roof level. *Common outdoor open space* areas shall have a minimum dimension of 30 feet, or 40 feet when bordered by three building walls exceeding a height of 15 feet, and may contain active and passive areas and a combination of *hardscape* and landscape features, but a minimum of 10 percent of the *common outdoor open space* must be planting area.

All *common outdoor open space* must be accessible to all residents of the *development* through a common corridor. *Development* shall provide *common outdoor open spaces* as a percentage of the *lot* area in accordance with Table 156-0310-C.

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

- (2) *Common Indoor Space.* Each *development* shall provide at least one community room of at least 500 square feet for use by all residents of the *development*. The area should be located adjacent to, and be accessible from, *common outdoor open space*. This area may contain active or passive recreational facilities, meeting space, computer terminals, or other activity space, but must be accessible through a common corridor.
- (3) *Private Open Space.* At least 50 percent of all *dwelling units* shall provide *private open space* on a balcony, patio, or roof terrace, with a minimum area of 40 square feet each and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the *development* in relationship to *floor* levels and sizes of units. *Living unit developments* are exempt from this requirement.
- (4) *Storage.* Each *dwelling ~~unit~~ development* shall provide a personal storage area in accordance with Chapter 13, Article 1, Division 4 of the Land Development Code.

- (55) 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 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).

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

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

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

(Amended 4-30-2013 by O-20257 N.S.; effective 7-1-2013)

§156.0311 Urban Design Regulations

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

- (a) Downtown Design Guidelines. The City Council has adopted the Downtown Design Guidelines by Resolution R-307143 which are on file in the office of the City Clerk as Document No. RR-307143. The Downtown Design Guidelines contain guiding principles for the design of downtown's major *streets*, buildings, and the public realm. The Downtown Design Guidelines are to be used in conjunction with this Article to evaluate *developments* for which a *development permit* is applied for under this Article.
- (b) Building Materials. The *building base* shall be clad in durable high-grade materials (stone, tile, metal, brick, glass or similar) from at least the *floor slab* of the second *floor* down to 1 inch of the finished sidewalk *grade*, and these materials shall wrap corners of exposed interior *property line* walls a minimum of 3 feet. Exit corridors, garage openings, and all recesses shall provide a finished appearance to the *street* with *street* level exterior finishes fully wrapping into the openings a minimum dimension of 10 feet.

Designated historical resources are exempt from these standards, but shall utilize materials consistent with the historical significance of the resource(s) as established through the review and approval processes for *historical resources* contained in Chapters 11 through 14 of the Land Development Code.

(c) Utilities. Electrical transformers and generators may be located above *grade* only if located on private property, outside the *public right-of-way*. Electrical transformers and generators shall be located below *grade* if within the *public right-of-way*. If located within a below-*grade* vault within the *public right-of-way*, the access hatch to the vault shall be located at least 6 feet back from the *street* curb, except that a minimum width access hatch may be located less than 6 feet from the *street* curb if it does not interfere with the placement of *street* trees. Areas housing trash, storage, or other utility services shall be located in the garage or be completely concealed from view from the *public right-of-way* and adjoining *developments*, except for utilities required to be exposed by the City or utility company. Backflow prevention devices are to be located in a building alcove, landscaped area, or utility room within the building, outside of the *public right-of-way*, and completely *screened* from view. Utility services shall not be located above *grade* in the *public right-of-way* within the Centre City Planned District unless no feasible alternative would better protect an *historical building*.

(d) Transparency

(1) A minimum of 60 percent of the *street-facing building façade* containing non-residential uses between 3 and 12 feet above the sidewalk shall be comprised of clear, non-reflective windows that allow views of indoor space. Interior blinds, drapes, and shelving for product displays visible from the *public right-of-way* may obscure a maximum of 30 percent of the transparent area of each storefront or structural bay.

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

e) *Blank Walls*

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

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

(2) All *blank walls* shall be enhanced with architectural detailing, material texture, ornamentation, or artwork.

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

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

(f) Exterior Projecting Balconies

Enclosures for projecting balconies that face public *streets* shall be comprised of an average of at least 40 percent open or transparent materials (perforated mesh, translucent glass, or open rail) from 18 inches above the balcony walking surface to the top of the balcony enclosure.

(g) Rooftops

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

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

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

To ensure pedestrian safety and prevent excessive *encroachments* into the *public right-of-way*, the following criteria shall apply:

- (1) *Encroachment* Agreement. An Encroachment Maintenance and Removal Agreement may be required by the City of San Diego pursuant to Chapter 12, Article 9, Division 7 of the Land Development Code.
- (2) Oriel Windows. Oriel windows are subject to the following standards:
 - (A) Oriel windows must be at least 12 feet above the adjoining sidewalk *grade*.
 - (B) The maximum width of any oriel window is 12 feet. Such windows must be horizontally separated by at least 6 feet. ~~Oriel windows may extend vertically no more than 50 feet continuously.~~
 - (C) Oriel windows may constitute no more than 30 percent of the *building facade* surface area on which they are located. If two adjacent oriel windows are connected by a balcony (open or solid railing), the entire perimeter of oriels and balconies is treated as one projecting surface for purposes of this calculation.
 - (D) Oriel windows (measured to finished exterior dimension) shall not project more than 4 feet into a *public right-of-way*.
 - (E) Oriel windows shall contain glass on at least two of three projecting surfaces, and vision glass shall constitute at least 70 percent of each *floor-to-floor* area on these surfaces.
 - (F) Oriel windows may contain bench seating or *floor* area, but shall not contain *floor* area for bathrooms, *kitchens*, closets, or *bedrooms* (unless the *floor* area within the *public right-of-way* is in excess of a minimum *bedroom* dimension of 10 feet measured inside of the *property line*).
- (3) Other Projections. Additional *encroachments* such as awnings, canopies, ~~and marquees~~, ~~and architectural appendages~~ may be permitted in accordance with Chapter 14, Article 2, Division 12 of the Land Development Code.

~~An awning or non-horizontal element that wraps a building corner may be approved by the CCDC President in accordance with Process One upon finding that it provides a direct public benefit.~~

(4) Subterranean Garages and Basements. *Encroachments* may be permitted in accordance with to Chapter 12, Article 9, Division 7 of the Land Development Code and City Council Policy 700-18 subject to the following additional criteria:

(A) Underground encroachments extending 8 feet below the top of the sidewalk shall not be located within 6 feet from the curb face, except to accommodate access hatches to underground vaults. Such hatches shall be located to avoid interference with *street* tree planting.

(B) No *encroachment* shall be allowed to conflict with any approved plan for *street* tree planting and shall maintain a continuous clear zone for such planting for a depth of 8 feet.

(i) Building Identification

Development constructed on sites larger than 5,000 square feet shall install building identification located between 3 and 5 feet above the sidewalk level near the primary entrance or at a corner, to the following specifications:

(1) The building identification shall be made of a durable permanent plaque or shall be inscribed in the most durable base material;

(2) The inscription area or plaque face shall be 1 to 4 square feet in area;

(3) The letters shall be at least 1 inch in height and shall be raised or incised; and

(4) The text shall include the original building name and the year completed. The primary *development* entity, architect, and general contractor may be added to the extent space allows.

(j) *Historical Resources*

Historical resources should be retained and integrated into larger *development* with adaptive use, where feasible. If a proposed *development* may have a significant impact on an *historical resource* and the City determines that no feasible alternative exists that would preserve the *historical resource* on its existing site, the City will determine if relocation of the *historical resource* to a site within the Centre City Planned District is feasible. If full retention is not feasible, the retention and reuse of notable architectural fragments or features is strongly encouraged,

especially when particular elements are identified as significant in respective neighborhood guidelines, with possible use as part of a public art program. The alteration of *historical resources* pursuant to this Section shall be reviewed and approved according to the regulations for *historical resources* contained in Chapters 11 through 14 of the Land Development Code.

(k) Ballpark Mixed-Use District Design Guidelines

(1) Intent. The intent of these Design Guidelines is to create a memorable district that instills a strong sensory response from visitors, a district that is safe and comfortable throughout the year, and retains an association with historic activities of the J Street Corridor and the transition zone and their role in San Diego's growth and *development*, nurturing positive social interaction and neighborliness on non-game days as well as days with planned events. These Design Guidelines are intended to revitalize the East Village and promote new *development* that is compatible with *PETCO Park* and the existing buildings of the J Street Corridor and the transition zone. These Design Guidelines shall be advisory, not regulatory, for all public and private *development*.

(2) Goals. The *development* of the Ballpark Mixed-Use District is meant to achieve the:

(A) Realization of the Bay-to-Park Link;

(B) Revitalization of the East Village; and

(C) Reinforcement of the South Embarcadero.

(3) Character. The following strategies form the basis of the design of buildings, streetscapes, plazas, and open spaces within the district:

(D) Scale and Feeling of Public Space. Maintain and reinforce the existing pedestrian scale appropriate to small numbers of people as well as larger crowds.

(E) Language and Vocabulary of the District. Employ elements to reinforce the spatial *structure* of the district, to convey the symbolism of the Ballpark Mixed-Use District, and to provide information and directions.

- (F) Territoriality of Public Space. All spaces should have a sense of ownership.
- (G) Composition and Juxtaposition of Elements. Buildings, streetscape improvements, and landscaping should be designed to create a memorable experience.
- (E) Two sub-areas within the Ballpark Mixed-Use District should receive particular attention:
 - (i) The J Street Corridor. The J Street corridor (between Sixth and Eleventh Avenues) should be developed as an active commercial mixed-use district with a strong pedestrian orientation. The character of late nineteenth and early twentieth century commercial buildings should be extended eastward from the Gaslamp Quarter. The *development* of new buildings shall be compatible in scale and materials.
 - (ii) The Sixth/Seventh Avenue Transition Zone. Located immediately west of *PETCO Park* between L Street and the J Street Corridor, this area should create links between the Gaslamp Quarter and *PETCO Park* along K and L Streets.
- (4) Design Guidelines
 - (A) Along the J Street Corridor
 - (i) Built-to Lines: With the exception of where plazas are planned, a *street wall* should be built within 5 feet of the *public right-of-way* along 100 percent of the building frontage.
 - (ii) *Street Wall* Façade: The *street wall* façade should be architecturally modulated to create visual interest and diversity, and to reinforce the pedestrian scale and character of the *street*.
 - (iii) The height of buildings along the *street wall* should create a *building base* and complement the height of older buildings in the corridor. Generally, *street wall* height should not exceed five stories or 60 feet in keeping with the character of existing nineteenth

and early twentieth century commercial and warehouse *structures*. *Tower* elements of the *street wall* which do not exceed 50 feet in width may exceed 60 feet in height so long as architectural fenestration, detailing and exterior materials create a podium appearance compatible with adjacent *structures* and visually break-up the appearance of the *street wall*. Any *development* with its highest occupiable *floor* level above 75 feet, which is greater than 50 feet wide, shall be stepped back by at least 50 feet.

- (iv) Building *mass and scale* should complement the incremental parcelization of the *street*, introducing changes in building plane, fenestration rhythm, materials, or other elements at intervals of approximately 50 to 100 feet.
- (v) The design of *building façades* should provide a well-composed treatment of recessed and large punctured openings within a solid wall. Large expanses of curtain wall are discouraged in this area.
- (vi) Vertical and horizontal articulation of the facade utilizing cornices, belt courses and banding, plane changes, variation in window openings, and other architectural elements are encouraged.
- (vii) *Building facades* should be visually terminated through the use of cornices, parapets, hip and stepped terraces, and other forms of multi-faceted tops.
- (viii) Facades should introduce special treatments at major entrances, building corners, *street* corners, and *street*-end view termini.
- (ix) Use of building materials that extend and complement the character of existing nineteenth and twentieth century commercial and warehouse *structures* (e.g., brick, metal, stucco, ornamental cement, terra cotta, wood, or steel sash) is encouraged.

- (x) Large well-composed punctured window openings, in the spirit of existing commercial and warehouse *structures* should be provided on the *building façades* to extend the character and scale of these nineteenth and early twentieth century buildings. To further these objectives, buildings along this corridor should introduce high *floor-to-floor* dimensions (e.g., greater than 12 feet on upper *floors* and greater than 15 feet on the ground *floor*).
 - (xi) Vehicular Access: Curb cuts are strongly discouraged along J Street. The number and size of curb cuts for all *development* should be minimized.
- (B) Within the Sixth/Seventh Avenue Transition Zone:
- (i) Built-to Lines: With the exception of where plazas are planned, a *street wall* should be built within 5 feet of the *public right-of-way* along 100 percent of the building frontage.
 - (ii) *Street Wall Façade*: The *street wall* façade should be architecturally modulated to create visual interest and diversity, and to reinforce the pedestrian scale and character of the *street*.
 - (iii) Buildings should be built to a maximum height of six *floors* or 80 feet to complement and transition the scale of the ballpark to the Gaslamp District. *Development* above this height should be stepped back by 10 feet, or introduce a clear material delineation that achieves the same visual effect.
- (C) *Street Level Treatment and Pedestrian Entrances*. All *developments* should provide *active commercial uses* along a majority of each *street frontage* in order to provide an active pedestrian-oriented experience. These *active commercial uses* should include clear, or lightly tinted, glass storefronts and windows and *pedestrian entrances*. Extended areas of solid walls should be minimized and mitigated through architectural articulation.
- (D) Parking Garages. Parking garages should comply with the Centre City Planned District requirements for *street level* uses. The garages should be set back behind multi-story residential or commercial uses where appropriate and

feasible to buffer the garages from facing residential or commercial uses. The façade treatment of freestanding parking garages should create an integrated and complementary architectural expression with adjacent or attached buildings along a *public right-of-way*, such that parked cars are predominantly *screened* from public view; sloped *floors* are not expressed; and a visually composed façade of openings, plane changes, belt courses, cornice treatments, and other architectural devices are developed.

(5) Mid-Block Walkways, Courts and Walls

Where site constraints, such as *public utility* easements or documented earthquake faults, prohibit the construction of building area on a portion of a site, *development* should incorporate semi-public, through-block walkways, courts, or *urban open space* to support ground-floor commercial activities or provide alternate circulation paths. These areas shall be designed to ensure public safety and promote maximum visibility and surveillance from adjacent uses and shall be maintained by the *record owner(s)*.

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

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

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

§156.0312 Performance Standards

(a) General Standards

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

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

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

(b) Building Reflectance

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

(c) Wind Acceleration

Wind acceleration studies may be required as part of the *development* review process to evaluate potential adverse impacts of wind acceleration onto *public rights-of-way*, *urban open space* areas, and other public spaces. Vertical wall surfaces 100 feet and taller shall employ changes in the horizontal canopy or volumetric step to break wind shear before reaching the ground level.

(d) Ballpark Mixed-Use District

The following standards apply to all *development* in this district:

- (1) Light, Glare and Shadow Impacts. All *development* proposals exceeding 75 feet in height shall include a light, glare and shadow study evaluating adverse impacts from *development* on the ballpark operations. No *development* will be allowed to produce light, glare, or shadows that will interfere with any sports activity occurring within the ballpark or enjoyment of such activities by members of the public observing from the viewing stands.
- (2) Noise Impacts. All *development* proposals shall include an acoustical analysis specifying construction standards necessary to meet the noise abatement and control requirements of San Diego Municipal Code Chapter 5, Article 9.5. The analysis also shall include anticipated or actual noise impacts from *PETCO Park*.

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

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

- (a) Residential *Off-Street Parking Space* and Loading Bay Requirements. The parking requirements in Table 156-0313-A and Section 156.0313(a) shall apply to residential uses. All parking spaces required by Table 156-0313-A shall be reserved for the exclusive use of residents of the *development*.

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

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i>		See Section 156.0314 (a)(1), (3) & (4) for Guest, Motorcycle & Bicycle Parking Requirements
<i>Living Units</i>	Market rate unit	0.5 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shop Keeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
<u>Affordable Housing Developments</u>	<u>See SDMC Section 142.0527</u>		<u>Developments within the Centre City Planned District shall utilize the Low Parking Demand (L) Category for the purposes of calculating the Reduced Parking Demand Housing Parking Ratios identified in Table 142-05D in SDMC Section 142.0527.</u>

* *Reasonable accommodations* to these parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law. Please refer to the *reasonable accommodations* provisions of the San Diego Municipal Code Section 131.0466.

- (1) Guest or Service Parking. Multi-family residential *development* shall provide additional off-*street* parking spaces at a ratio of one space for every thirty units. These spaces shall be permanently reserved and clearly marked for visitor or service use only. *Development* containing fewer than fifty *dwelling units* shall be exempt from this requirement.
 - (2) Off-*Street* Loading. The following standards shall apply for multi-family residential *development*:
 - (A) *Development* containing 100 or more *dwelling units* shall provide at least one off-*street* loading bay that shall be at least 35 feet deep, 13 feet wide, and 13 feet tall (measured from the inside walls);
 - (B) Loading bays shall have direct access into the internal circulation system of the *development* and elevators;
 - (C) Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading bay and parking areas and decrease potential conflicts; and
 - (D) Loading bay location shall not create traffic conflicts.
 - (3) Motorcycle Parking. One motorcycle parking space shall be provided for every twenty *dwelling units*.
 - (4) Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.
- (b) Non-Residential *Off-Street Parking Space* and Loading Bay Requirements
The parking requirements in Table 156-0313-B and Section 156.0313(b) shall apply to non-residential uses.

**TABLE 156-0313-B
NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS**

Use Category	Minimum		Notes
Office	1.5 spaces per 1,000 square feet		<i>Development</i> containing less than 50,000 square feet of office space is exempt.
Commercial/Retail	1 space per 1,000 square feet		<i>Development</i> containing less than 30,000 square feet of commercial/retail space is exempt.
Warehouse & Storage	1 space per 10,000 square feet		
<i>Hotel</i>	0.3 spaces per room		<i>Development</i> containing less than 25 guest rooms is exempt.
<i>Single Room Occupancy Units</i>	Market rate unit	0.5 spaces per unit	Parking shall be based on the occupancy/rent restriction applied to the specific unit.
	50% AMI	0.1 spaces per unit	
	At or below 40% AMI	None	

(1) Motorcycle and Bicycle Parking. One motorcycle parking space and one bicycle parking space shall be provided for every twenty required vehicle spaces.

(2) Off-Street Loading.

(A) For *development* containing 30,000 to 100,000 square feet of commercial space, one off-*street* loading bay shall be provided that shall be a minimum of 30 feet deep, 14 feet wide, and 14 feet tall (measured from the inside walls). Small *lots* of 5,000 square feet or less in size shall be exempt.

- (B) For *developments* containing over 100,000 square feet of commercial space:
 - (i) One *off-street* loading bay shall be provided, with the bay measuring a minimum of 35 feet deep, 14 feet wide, and 14 feet tall;
 - (ii) Loading bays shall provide direct access into the internal circulation system of the *development*;
 - (iii) Loading bays shall share the parking access driveway, unless separate driveways better facilitate access to the loading and parking areas and decrease potential traffic conflicts; and
 - (iv) Loading bay location shall not create traffic conflicts.

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

The parking requirements in Table 156-0313-C shall apply to *developments* located west of California Street between Harbor Drive and West Laurel Street.

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

Use Category	Minimum		Notes
<i>Dwelling units</i>	1 space per <i>dwelling unit</i> plus 1 space for every 30 units for guests		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0.5 spaces per unit	Based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	None	
<i>Group Living*</i>	0.1 spaces per room		
<i>Senior Housing*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
<i>Live/Work or Shopkeeper Unit</i>	1 space per unit		
<i>Residential Care Facilities*</i>	1 space per every ten (10) beds		
<i>Transitional Housing Facilities*</i>	Shall be determined through Conditional Use Permit review.		The intent of this provision is to accommodate requests for reduction in parking requirements.
Office	2 spaces per 1,000 square feet		
<i>Hotel</i>	0.5 spaces per room		
Warehouse & Storage	1 space per 10,000 square feet		
Retail	2.5 spaces per 1,000 square feet		
Restaurant	5.0 spaces per 1,000 square feet		

**Reasonable accommodations* to these parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law. Please refer to the *reasonable accommodations* provisions of the San Diego Municipal Code Section 131.0466.

(d) Small *Lot* Reduction

For *lots* of 5,000 square feet or less, the minimum number of parking spaces required is reduced by 50 percent.

(e) Enclosed Parking

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

(f) Below-Grade Parking

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

- (1) Below-*grade* parking is not required for parcels less than 10,000 square feet in area.
- (2) For *development* on sites that contain *designated historical resources*, the ~~CCDC~~*Civic San Diego*-President may approve an exception to the below-*grade* parking requirements upon finding that below-*grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites proven to be significantly impacted by the underground water table, the ~~CCDC~~*Civic San Diego*-President may approve an exception to the below-*grade* parking requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.
- (4) Public parking garages and *development* located within the Ballpark Mixed-Use District are only required to provide two levels of below-*grade* parking prior to the provision of any above-*grade* parking.'
- (5) Only two levels of below-*grade* parking are required for *developments* in which all above-*grade* parking is encapsulated with habitable area along all *street frontages*.

(g) Existing Buildings

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

(h) *Structured Parking* Facility Standards

The following standards apply to all above-grade parking facilities:

- (1) All enclosed ground level parking areas shall be separated from the public sidewalk by habitable residential or non-residential space or utility rooms. The minimum depth of residential space, measured from the exterior building wall to the interior wall separating the habitable space from the parking area, shall be 10 feet.

The minimum depth of commercial space, measured from the exterior building wall to the interior wall separating the commercial space from the parking area, shall be 20 feet.

- (2) All parking located above the ground level shall meet the following standards:

(C) *Development* located on a site of less than 30,000 square feet does not require encapsulated parking;

(D) *Development* located on a site of 30,000 square feet or more shall encapsulate 50 percent of the cumulative *building façades* directly abutting *street frontages* with habitable residential or non-residential uses.

(E) Roof-top parking is allowed if all parking spaces, excluding drive aisles, are covered with a roof or trellis *structure*.

(F) Parking levels located above the ground level shall be shielded from view by a solid wall or headlight-obscuring *screen* a minimum height of 42 inches, measured from the finished *floor* of the adjoining parking space.

(G) Any open areas in the exterior *building façade* of the *structure* shall be designed as an integral component of the overall architecture of the *development*.

(3) All interior surfaces of a parking *structure* visible from the exterior of the garage shall be painted.

(4) All duct work or utility functions serving above-*grade* parking facilities shall be *screened* from view.

(5) All interior lighting fixtures shall be designed so that the light source is not directly visible from the exterior of the garage. Lighting for any roof-top parking levels shall either be wall-mounted or on poles. Any poles shall be a maximum height of 15 feet, located at least 40 feet from any *property line*, and designed so that the light source is shielded from view from any *property line*. Lighting levels shall meet the requirements of the Illuminating Engineers Society's Manual, as amended.

(6) All parking *structures* open to the sky shall be engineered and circulation designed to accommodate vertical expansion of three additional parking levels or the maximum amount permitted under the *FAR* limits applicable to the site, whichever is less.

(7) Every vehicular access point to public *structured parking* shall have at least one 4 by 4 foot, internally illuminated, cabinet *sign*, clearly visible to pedestrians and motorists with a parking symbol consisting of a white letter "P" on a green background. Additional space may be added to the *sign* to indicate whether the *lot* is full or to provide information on prices, ownership, management, hours of operation, and whether it is private or *public parking*. The 4 by 4 foot area shall not be reduced or encroached upon by this additional information. The 4 by 4 foot area shall not be included in calculations regarding other *signs* for the *structure*.

(i) Surface Parking *Lot* Standards

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

(1) For sites with an approved Centre City 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.

- (2) For sites without an approved Centre City Development Permit or for parking *lots* improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking *lots*:
 - (A) Along all public *street 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.
- (3) Every vehicular access point to a public parking *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*.

(j) Off-Site Parking Provisions

Developments may provide required *off-street parking spaces* at an off-site location. The off-site location shall be within 500 feet of the *development* served by the parking, measured *property line to property line*, and shall be secured by *CC&Rs* recorded on both properties in a form acceptable to the City Attorney’s Office that ensure the parking facility’s use without reduction in spaces in perpetuity (unless another off-site location is secured in compliance with this Section).

(k) 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.

(l) Vehicular Access

- (1) All driveways shall be perpendicular to the public sidewalk.
- (2) The maximum linear feet of curb cut for vehicular access shall be calculated at a ratio of 1 linear foot per 500 square feet of site area. Parcels containing 10,000 square feet and less may double this ratio (2 linear feet of curb cut per 500 feet of site area). Curb cuts that serve up to ten parking spaces shall be between 12 and 20 feet wide. Curb cuts that serve over ten parking spaces shall be between 20 and 30 feet wide.
- (3) All vehicular access curb cuts shall be located at least 65 feet from the curb line of the closest intersection. Curb cuts on the same parcel must be separated by at least 80 feet, with the exception of a curb cut to provide access to an off-*street* loading bay, which may be closer than 80 feet if the widths of both curb cuts are minimized to the extent possible. Curb cuts shall be located to minimize conflicts and maximize on-*street* parking. On parcels of 5,000 square feet or less, the dimensions listed above shall be reduced in half.
- (4) No curb cuts are permitted on the *streets* designated on Figure E unless driveway access is not feasible on adjacent *streets* due to *lot* size, *lot* configuration, or other significant factors.

(m) Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of Section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10 foot required minimum distance from the front *property line*.

(n) Centre City Cumulative Trip Generation Rates

Centre City Trip Generation Rates are as specified in the [*CCDC Civic San Diego*](#)-Land Development Manual and City of San Diego Land Development Manual, Appendix N.

(o) *Transportation Demand Management (TDM)*

To reduce single-occupant vehicle trips into the Centre City Planned District, *applicants* for proposed commercial and *hotel development* containing over 50,000 square feet of *gross floor area* shall achieve a minimum of 25 points by implementing *TDM* measures contained in Table 156-0313-D.

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

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)
(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)
(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)
(Amended 4-30-2013 by O-20257 N.S.; effective 7-1-2013)

§156.0314 Sign Regulations

(a) *Sign Regulations*

(1) Application

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

(2) Provisions

In addition to the requirements of the Land Development Code Chapter 12, Article 9, Division 8 and Chapter 14, Article 2, Division 12, the following provisions apply:

- (A) *Signs*, inflatable displays, or banners shall not be placed on the roof of any *structure*.
- (B) *Signs* (or any part of a *sign*) shall not be located more than 65 feet above the sidewalk, measured from the *street property line* closest to the *sign*.
- (C) Exceptions to the *sign* regulations for a new *sign* on a *historical resource* may be granted through approval of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the Land Development Code. The *design* and size of such a *sign* shall be consistent with the Secretary of Interior's Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Buildings based on its period of historical significance, as recommended by the Historical Resources Board.

Alterations to *signs* that may impact one or more *historical resources* shall be reviewed and approved according to the regulations for *historical resources* contained in Chapters 11 through 14 of the Land Development Code and may require a Neighborhood Development Permit or Site

Development Permit in addition to a Neighborhood Use Permit.

(3) *Logos*

Logos may not be used on the *upper tower* of a building where more than 50 percent of the building is for residential use. *Logos* may be used on the *upper tower* of a non-residential building if the following criteria are met:

- (A) The logo must be designed as an integral part of the exterior of the building.
- (B) *Logos* may not be located on any two adjacent *building façades*.
- (C) The maximum area of the *logo* is based on building height as described in Table 156-0314-A.
- (D) *Logos* without any lettering are not subject to maximum height, only maximum square footage.
- (E) The maximum height of lettering is based on building height as described in Table 156-0314-A.

TABLE 156-0314-A: LOGOS AND LETTERING		
Building Height (feet)	<i>Logo</i> area (feet)	Lettering Height (feet)
65-125	50	3
126-240	75	4
240+	100	5

(4) Ballpark Mixed-Use District *Signs*

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

All other *signs* within the Ballpark Mixed-Use District shall comply with Chapter 14, Article 2, Division 12 of the Land

Development Code. *Signs* that do not comply with all the requirements of the Land Development Code may be approved with a comprehensive *sign* plan. All comprehensive *sign* plans (except *sign* plans for *PETCO Park*, *Outfield Park* and *mixed-use development* directly adjacent thereto) within the Ballpark Mixed-Use District, may be approved, conditionally approved, or denied by ~~CEDC~~*Civic San Diego* in accordance with Process Three and such *sign* plans shall be consistent with the following objectives:

- (A) All *signs* shall be sized to be complementary to, and in scale with, the buildings on which they are placed. The design of the *signs* should reflect and complement the use of the building to the extent possible;
- (B) All *signs* shall be designed to be visible mainly from the immediate neighborhood, with an exception for high-rise building identification *signs*;
- (C) *Signs* shall be designed and placed to be compatible with the theme, visual quality, and overall character of the Ballpark Mixed-Use District and the image of San Diego; and
- (D) *Signs* shall also be appropriately related in size, shape, materials, letters, colors, illumination, and character of the buildings on which they will be displayed, and be compatible with existing adjacent activities so as to not create a visual distraction to *PETCO Park* patrons or other uses.

(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)
(Amended 5-6-2010 by O-19947 N.S.; effective 6-5-2010.)
(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

§156.0315 Separately Regulated Uses

(a) On-Premises Alcohol Beverage Sales ~~Alcohol Beverage Sales and Entertainment Beverage Sales~~

The sale of alcoholic beverages for on-site consumption associated with commercial establishments shall be subject to the following regulations and permits:

- (1) *Bona-fide eating establishments* that offer made-to-order food during all business hours may provide alcoholic beverages on the premises by right, subject to applicable state and local regulations.
~~(1) ———~~
- (2) Non-*bona-fide eating establishments*, bars, assembly and entertainment uses, *outdoor activities* and other similar commercial establishments that provide alcoholic beverages for consumption on the premises shall be required to obtain the approval of a Neighborhood Use Permit in accordance with Process Two.
- (3) Any establishments listed in (1) and (2) above offering *live entertainment* shall be subject to Section 156.0315(c).

(b) Off-Premises Alcohol Beverage Sales

The sale of alcoholic beverages for off-site consumption associated with commercial establishments shall be subject to the following regulations and permits:

- (1) Establishments offering alcoholic beverages for off-site consumption shall be required to obtain approval of a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided in (2) and (3) below:
 - (A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
 - (B) No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
 - (C) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.

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

(E) After conducting a public hearing, the Civic San Diego Hearing Officer may approve exceptions to 156.0315(a)(5)(C) or (D) upon making the following findings:

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

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

~~(2) Bona fide eating establishments that have made to order food available during all business hours may provide alcoholic beverages on the premises, subject to applicable state and local regulations are permitted without the requirement for additional permits. No additional permit is required. Bona fide eating establishments may provide accessory non-amplified acoustical performances provided the following conditions are met:~~

~~(A) The establishment is closed and all customers have vacated the premises between 11:00p.m. and 8:00a.m.~~

~~(B) No customer dancing is permitted.~~

~~(C) There is no admission charge.~~

~~(D) There is no required purchase or donation (such as minimum drink order).~~

~~The following establishments shall be required to obtain a Neighborhood Use Permit in accordance with Process Two: Establishments engaged in the sale of alcoholic beverages for on-site consumption without the sale of made-to-order food products shall be required to obtain a Conditional Use Permit in accordance with Process Three.~~

~~(A) Bona fide eating establishments and Assembly and Entertainment uses offering accessory non-amplified acoustical performances past 11:00p.m.~~

~~(B) Establishments within the RE District engaged in the sale of alcoholic beverages for on-site consumption without the sale of made to order food products.~~

(2) Brewpubs offering alcoholic beverages manufactured by the business for off-site consumption as an accessory use are permitted subject to the following regulations:

~~(2) Establishments engaged in the sale of alcoholic beverages for on-site consumption in conjunction with amplified live entertainment and/or dancing shall be required to obtain a Conditional Use Permit in accordance with Process Three. Such uses shall comply with the following:~~

~~(A) A bona-fide eating establishment shall be the primary use on the premises with made to order food available during all hours of operation; All entertainment, as defined by Section 33.1502 of the San Diego Municipal Code, must comply with all City of San Diego permits and regulations. If applicable, San Diego Police Department Regulatory Permits shall be obtained;~~

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

~~(C) No malt beverage, wine, or similar products shall be sold for off-site consumption in less than 2232-ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles; and,~~

~~(D) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be requested through a Conditional Use Permit in accordance with Process Three. Applicants for establishments where live entertainment or dancing is proposed outdoors, within the same building as, or immediately adjacent to, residential uses, shall provide an acoustical study prepared by a qualified acoustical engineer that evaluates potential impacts to the residential occupants. Based on the results of the acoustical study, appropriate mitigation measures may be required.~~

(3) Brewpub tasting rooms offering alcoholic beverages manufactured by the business for off-site consumption as an accessory use shall be required to obtain approval of a Neighborhood Use Permit in accordance with Process Two subject to the following regulations:

(A) An alcohol manufacturing operation must be operated on the premises;

(B) No malt beverage, wine, or similar products shall be sold in less than 2232-ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles; and,

(C) Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be requested through a Conditional Use Permit in accordance with Process Three.

(4) Any establishments listed in (1), (2), or (3) above offering live entertainment shall be subject to Section 156.0315(c).

(c) Live entertainment

The provision of live entertainment associated with commercial establishments shall be subject to the following regulations and permits:

(1) Bona-fide eating establishments may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m. if the music-performance is not audible outside of the establishment.

(2) All other commercial establishments offering performances by live acoustic musicians, dancers, or similar performers shall be required to obtain approval of a Neighborhood Use Permit in accordance with Process Two if the music is not audible outside of the establishment.

(3) All other establishments offering live entertainment, including live non-acoustic musicians, disc jockeys, patron dancing, and/or live entertainment located outside of an enclosed building, shall be required to obtain approval of a Conditional Use Permit in accordance with Process Three.

(4) Hotels and motels offering live entertainment within an area completely enclosed within the building and accessed solely through the lobby area of the hotel or motel are not subject to (2)

or (3) above if the *live entertainment* is not audible outside of the building.

(5) All *live entertainment* shall comply with Chapter 3, Article 3, Division 15 of the San Diego Municipal Code.

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

(7) Establishments offering *live entertainment* under (3) above that are located on a *premises* adjacent to a *premises* containing residential land uses shall provide an acoustical analysis prepared by a qualified acoustical engineer that evaluates potential noise and vibration impacts to the adjoining residents. Establishments offering *live entertainment* outside of an enclosed building shall also provide an acoustical analysis to evaluate noise impacts to the surrounding neighborhood.

(d) *Outdoor activities*

Outdoor activities include a variety of community serving uses and events and may include the use of *structures* and small buildings. Such *structures* and small buildings approved under Sections (1) and (2) below are not subject to the development standards under Section 156.0310. *Outdoor activities* are subject to the following regulations and permits:

(1) *Outdoor activities* shall be required to obtain a Neighborhood Use Permit in accordance with Process Two. Any Applicants proposing any *structures* or buildings shall obtain all necessary permits in accordance with State and local ordinances and codes. Under a Neighborhood Use Permit, *live entertainment* may be offered no more than six days per calendar year through the approval of one or more Temporary Use Permits.

(2) *Outdoor activities* shall be required to obtain a Conditional Use Permit in accordance with Process Three if *live entertainment* is offered more than six days per calendar year. Applicants proposing the use of Any *structures* or buildings shall obtain all necessary permits in accordance with State and local ordinances and codes.

(e) Alternative Interim Uses within Neighborhood Mixed Use Centers and along Main Streets and Commercial Streets – Sections 156.0307 (a) and

(b) require that *active commercial uses* be provided along specific portions of *street frontages* within the Neighborhood Mixed Use Center base land use district and *Main Street* and *Commercial Street* overlay districts.

Alternative interim uses may be allowed with approval of a Conditional Use Permit through Process Three when the following findings are made:

- (i) The applicant has provided a market study or other evidence to demonstrate that *active commercial uses* are not currently economically viable in this location.
- (ii) The surrounding neighborhood has not adequately developed as envisioned in the *Downtown Community plan* to currently support *active commercial uses* in this location.
- (iii) The proposed interim uses are permitted under the base land use regulations for the land use district in which is the *premises* are located.
- (iv) The building has been designed to accommodate *active commercial uses* in the future.

The initial term for a Conditional Use Permit to allow alternative interim uses shall be for no longer than a ten year period. Extensions may be approved through an extension to the Conditional Use Permit in accordance with Section 126.0113 of the Land Development Code with the provision that an extension may be granted for up to an additional ten year period.

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

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

~~(A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.~~

~~(B) No malt beverage products shall be sold in quantities of less than a six-pack or 64 ounces per sale. Microbreweries shall be permitted to sell malt beverage products on-site in 22-ounce or larger containers.~~

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

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

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

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

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

~~(f) (b) Living Units.~~

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

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

- (5) Each *living unit* that is not provided with a private shower or bathtub must be served by a shared shower or bathtub. Shared bathing facilities must be provided at a ratio of at least one facility for every five units, or fraction thereof, which lack private bathing facilities. Each shared bathing facility must be on the same *floor* as the units it is intended to serve, must be directly accessible from a common area or hallway, and must have an interior lockable door.
- (6) Each *living unit* must be pre-wired for phone and cable television service.
- (7) Each *living unit development* shall include common interior space at a ratio of 5 square feet per *living unit*, with a minimum of 200 square feet per *development* or per individual common interior space if multiple spaces are provided with a single *development*. The indoor space shall be furnished to allow for meetings, indoor recreation (active or passive), or entertainment.
- (8) Each *living unit development* shall contain one *living unit* occupied by a resident manager.
- (9) Each *living unit development* shall contain either:
 - (A) a front desk with a full view of the entry area, staffed 24 hours a day, seven days a week; or
 - (B) an operational outdoor entry intercom system connected to the manager's unit and each *living unit*.
- (10) Parking shall be provided in accordance with section 156.0313. All required parking for the *living unit development* shall be available to residents only.
- (11) Each *living unit* occupancy and rent shall be restricted to those persons with household income at or below 80 percent of area median income as published by the California Department of Housing and Community Development for San Diego County, as adjusted for a one-person household. The *development* owner shall enter into an agreement with the City of San Diego Housing Commission for the review and enforcement of such restrictions.
- (12) Relocation Requirements: *Living units* are subject to the regulations contained in Land Development Code Chapter 14, Article 3, Division 5 for Single Room Occupancy (*SRO*) hotels. The San Diego Housing Commission shall be responsible for

enforcement of the tenant notice relocation assistance requirements.

(ge) *Historical Resources*

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

(1) Minor Alterations

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

(2) Substantial Alterations

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

(dh) *Historical Buildings Occupied by Uses Not Otherwise Allowed*

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

- (1) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.
- (2) The use of the *historical resource* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.
- (3) The *historical resource* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code.

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

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

Applicants for a Conditional Use Permit for a *social services institution, transitional housing* or a homeless facility may request a modification to the standard *development* regulations, including separation requirements, found in Chapter 14 of the Land Development Code. Any such request may be granted by the decision maker if at least one of the following *findings* is made:

- (1) The proposed institution or facility is relocating from another location within the Centre City Planned District and the owner or permittee of the previous location rescinds any existing Conditional Use Permit or *previously conforming* use rights pursuant to Section 126.0110(b) of the Land Development Code.
- (2) The institution or facility, due to its unique operations or uses, will not adversely impact the surrounding neighborhood, and there is a demonstrated need for the institution or facility that is not being met by existing services or facilities in the Downtown Community Plan area.

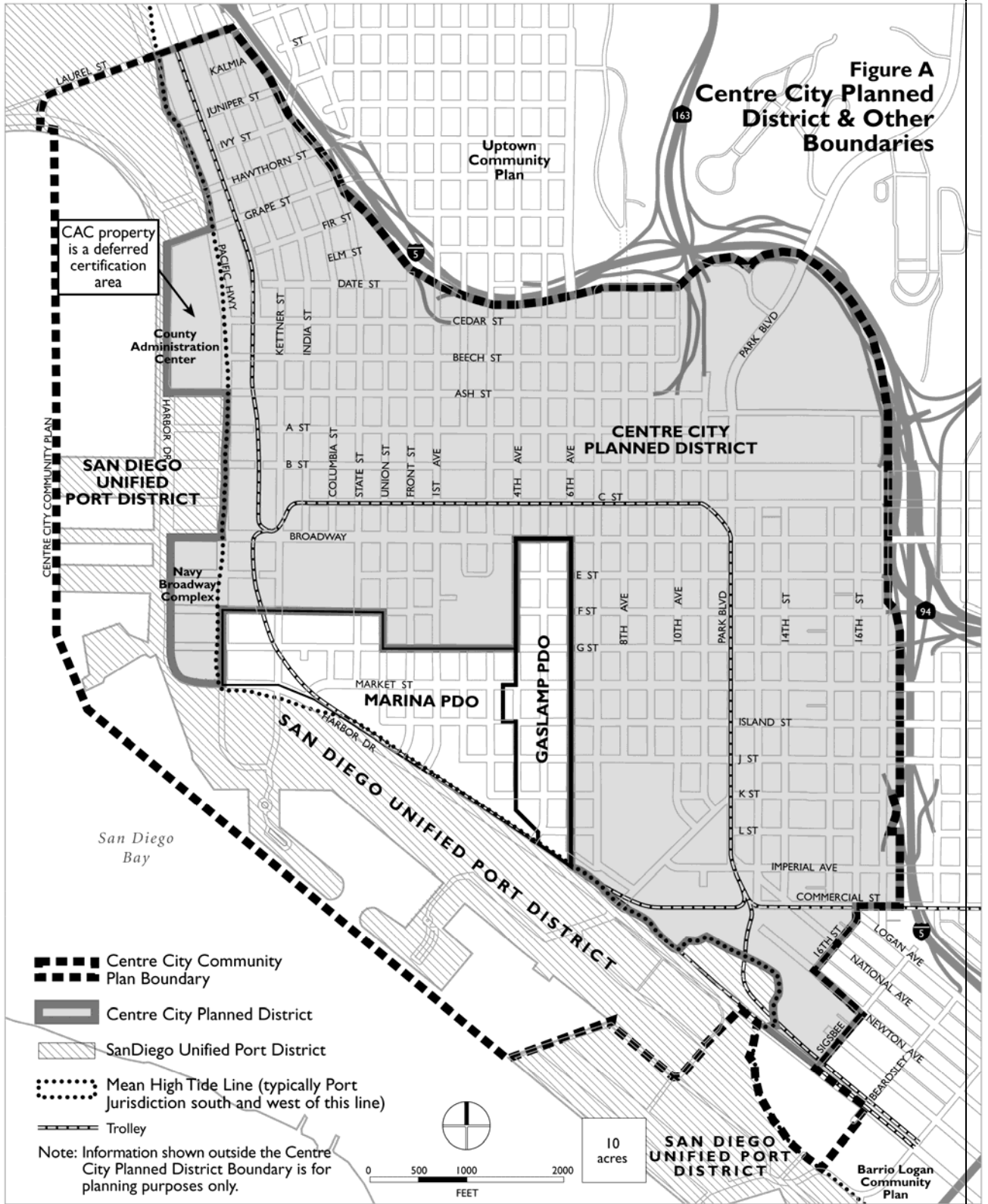
(j) *Reasonable Accommodations*

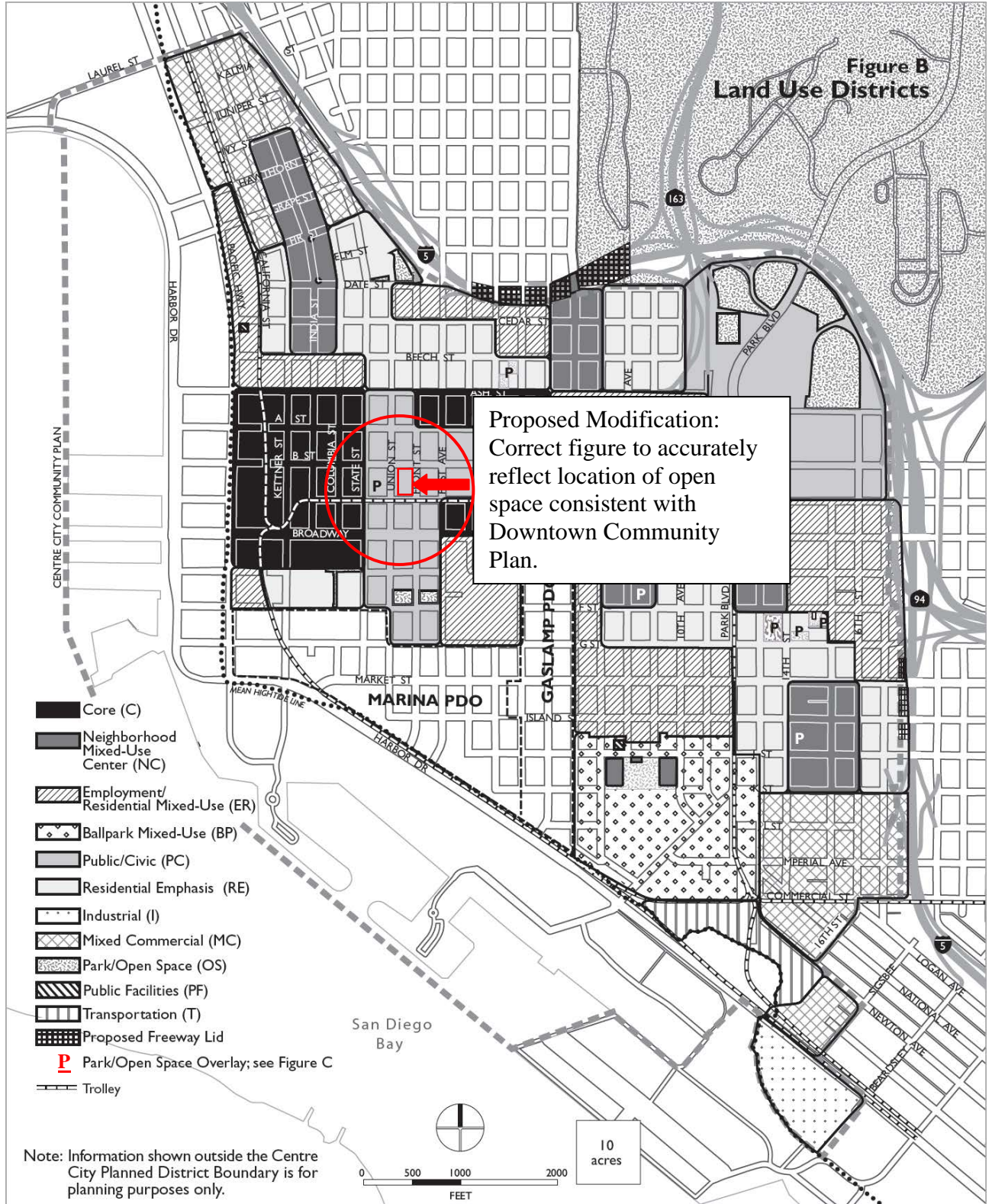
The requirements of this Article may be waived, modified, or excepted if necessary to afford *disabled persons* equal housing opportunities in accordance with San Diego Municipal Code Section 131.0466.

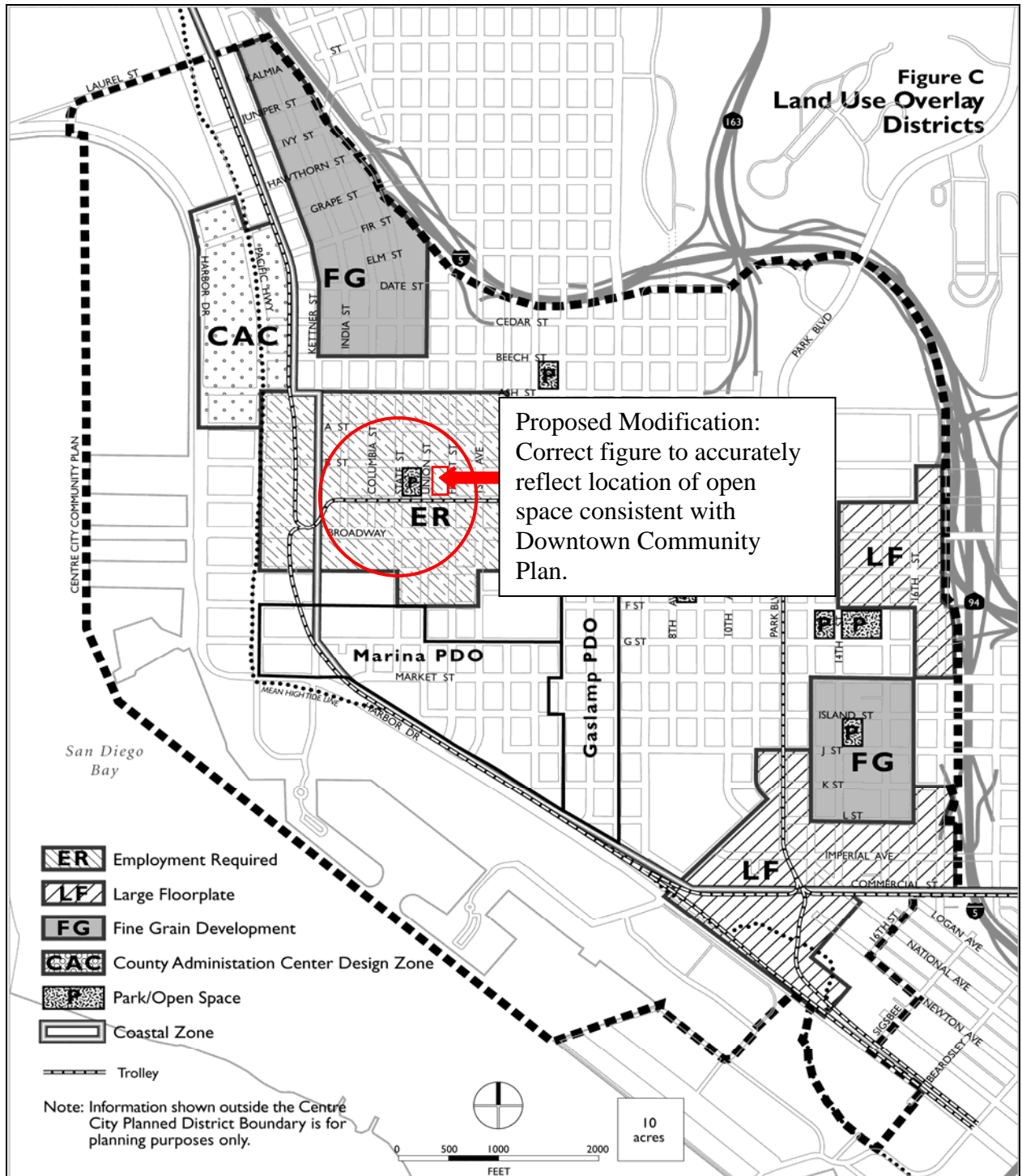
(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)

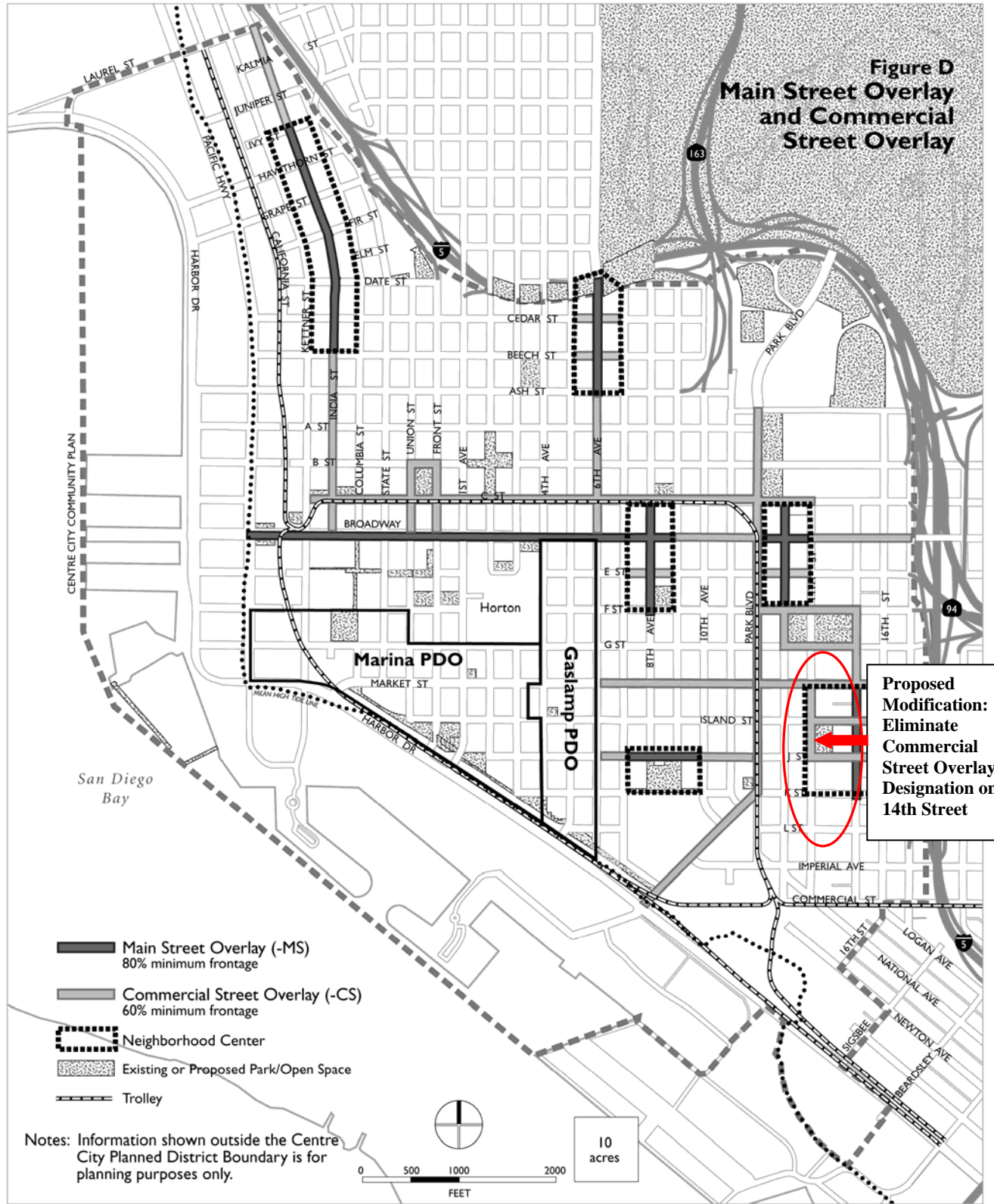
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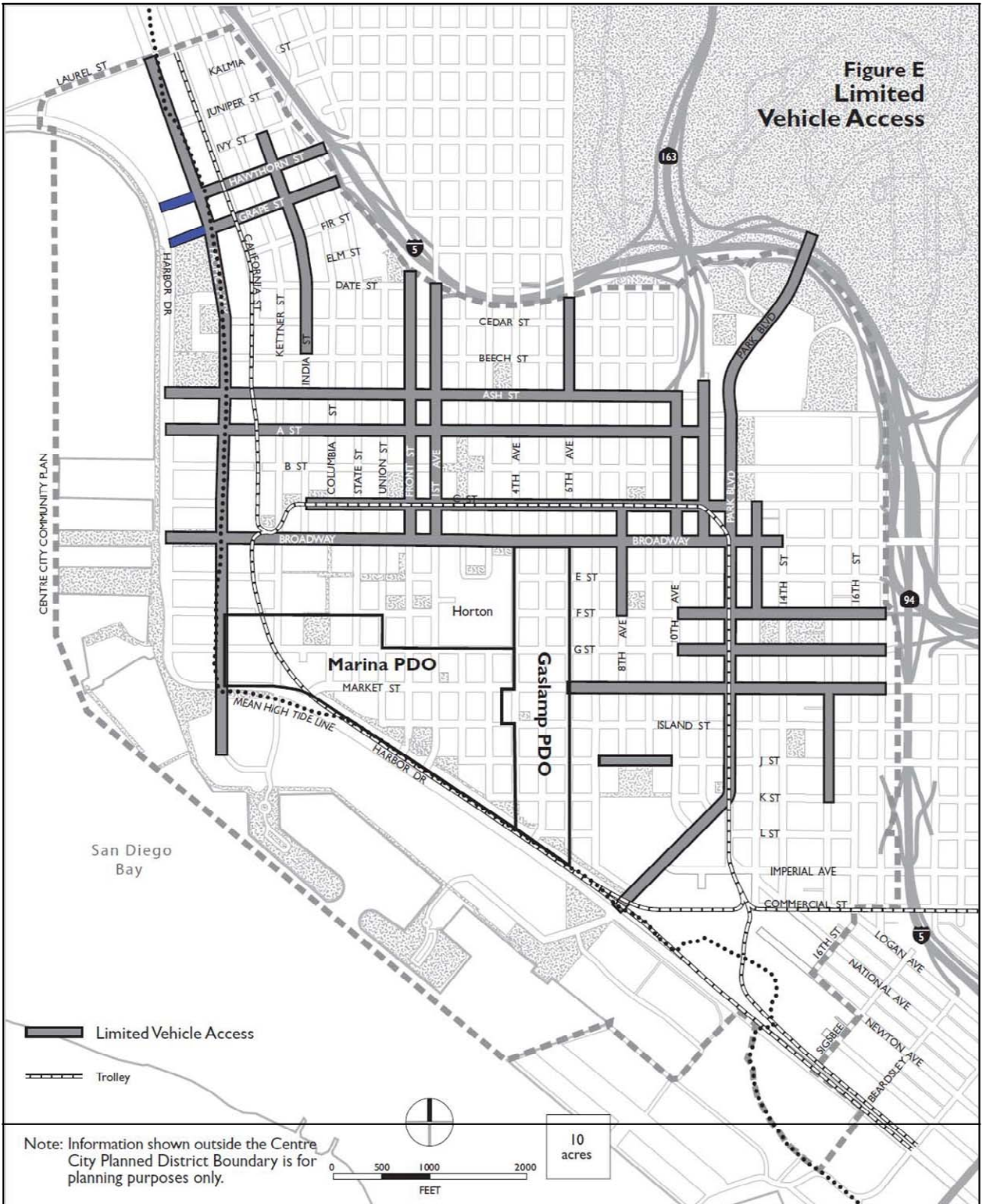
(Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)

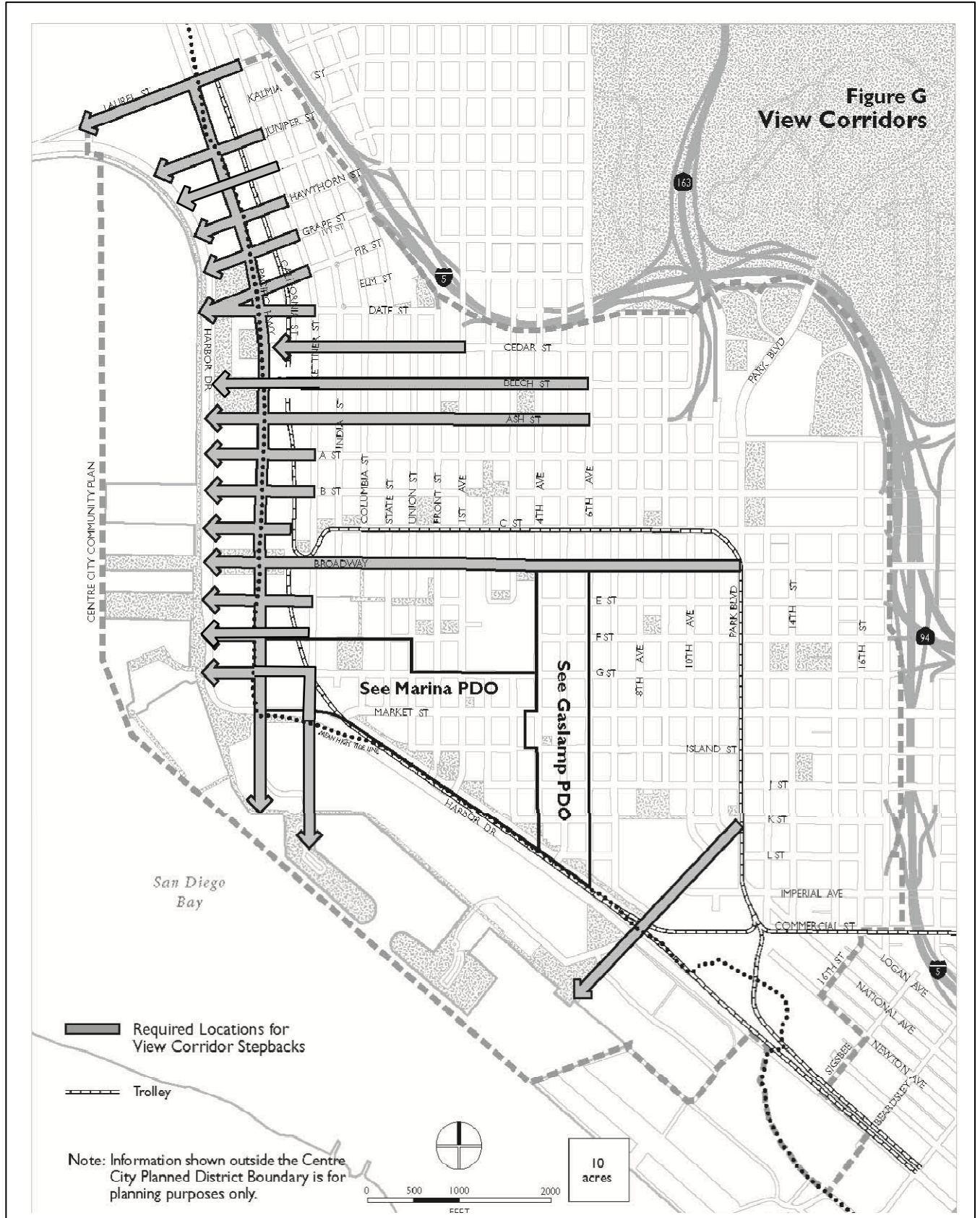


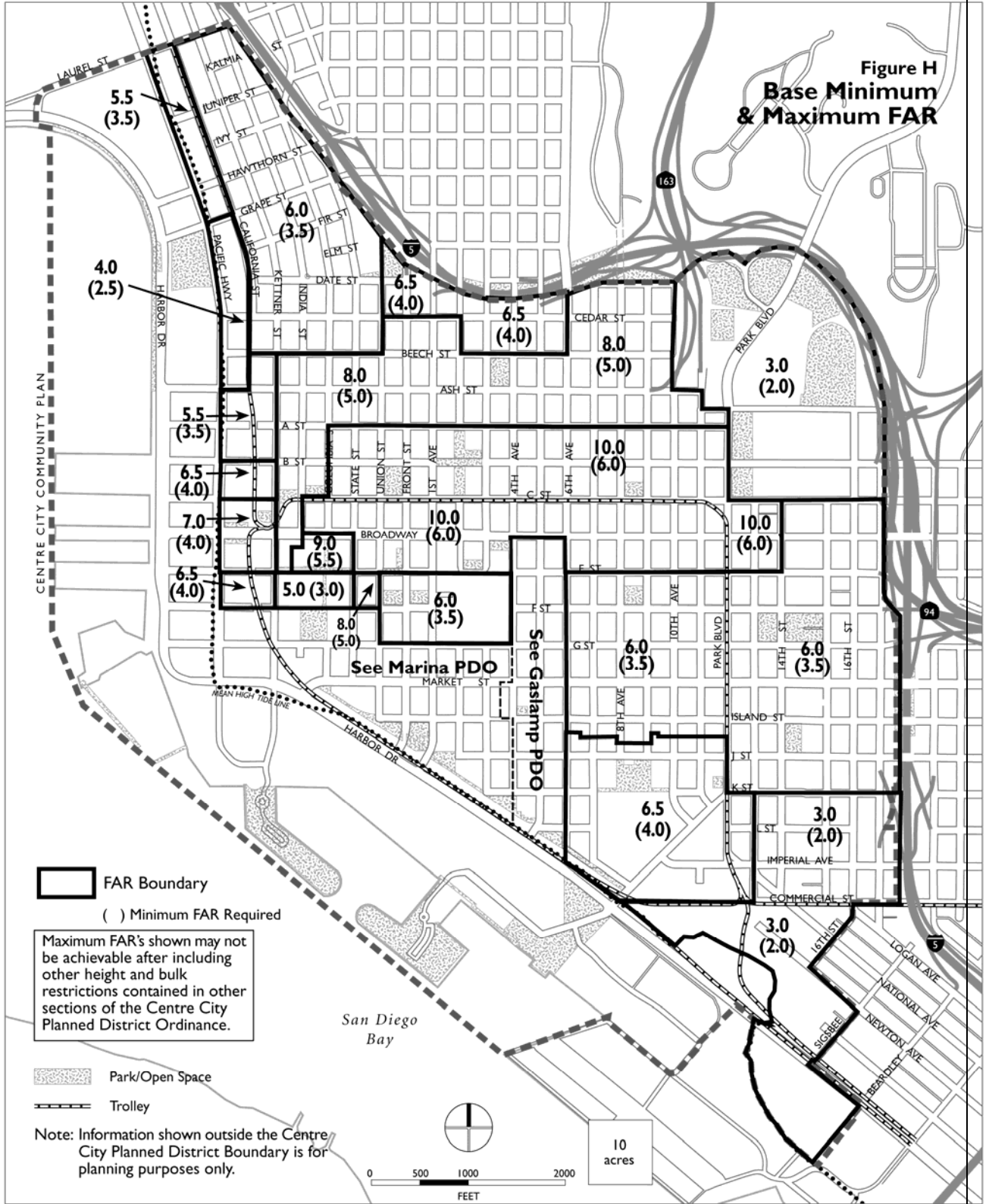


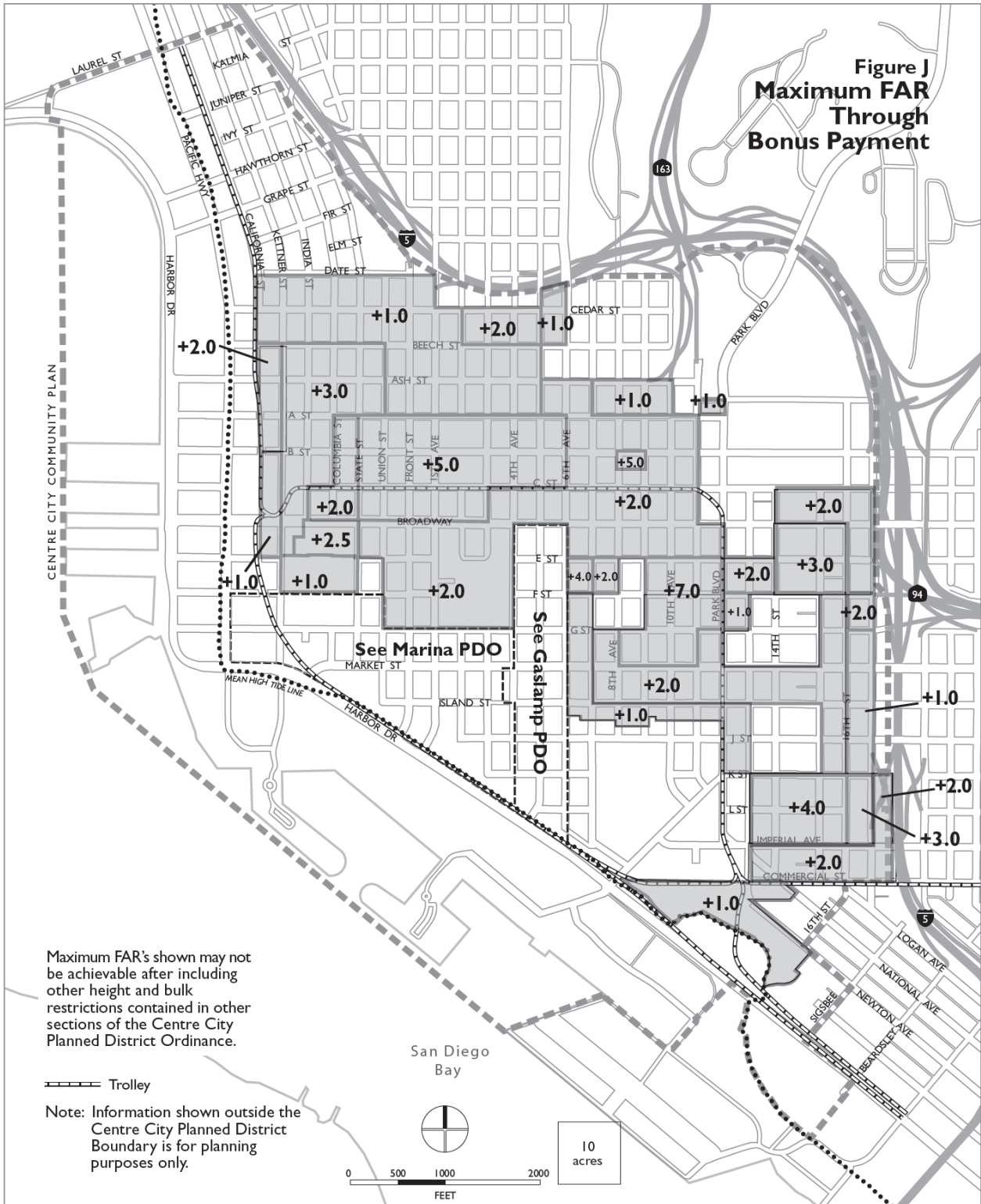




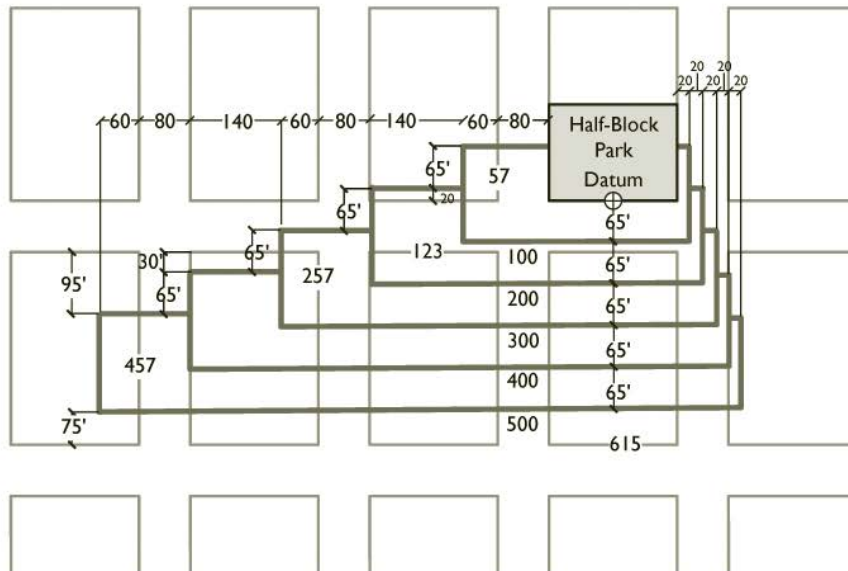
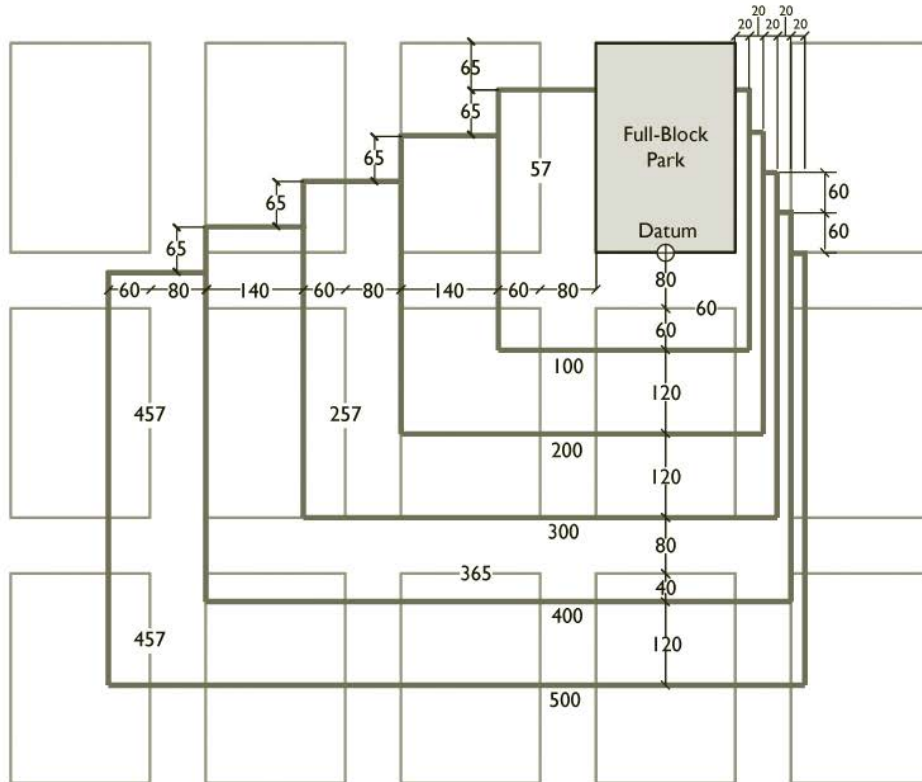




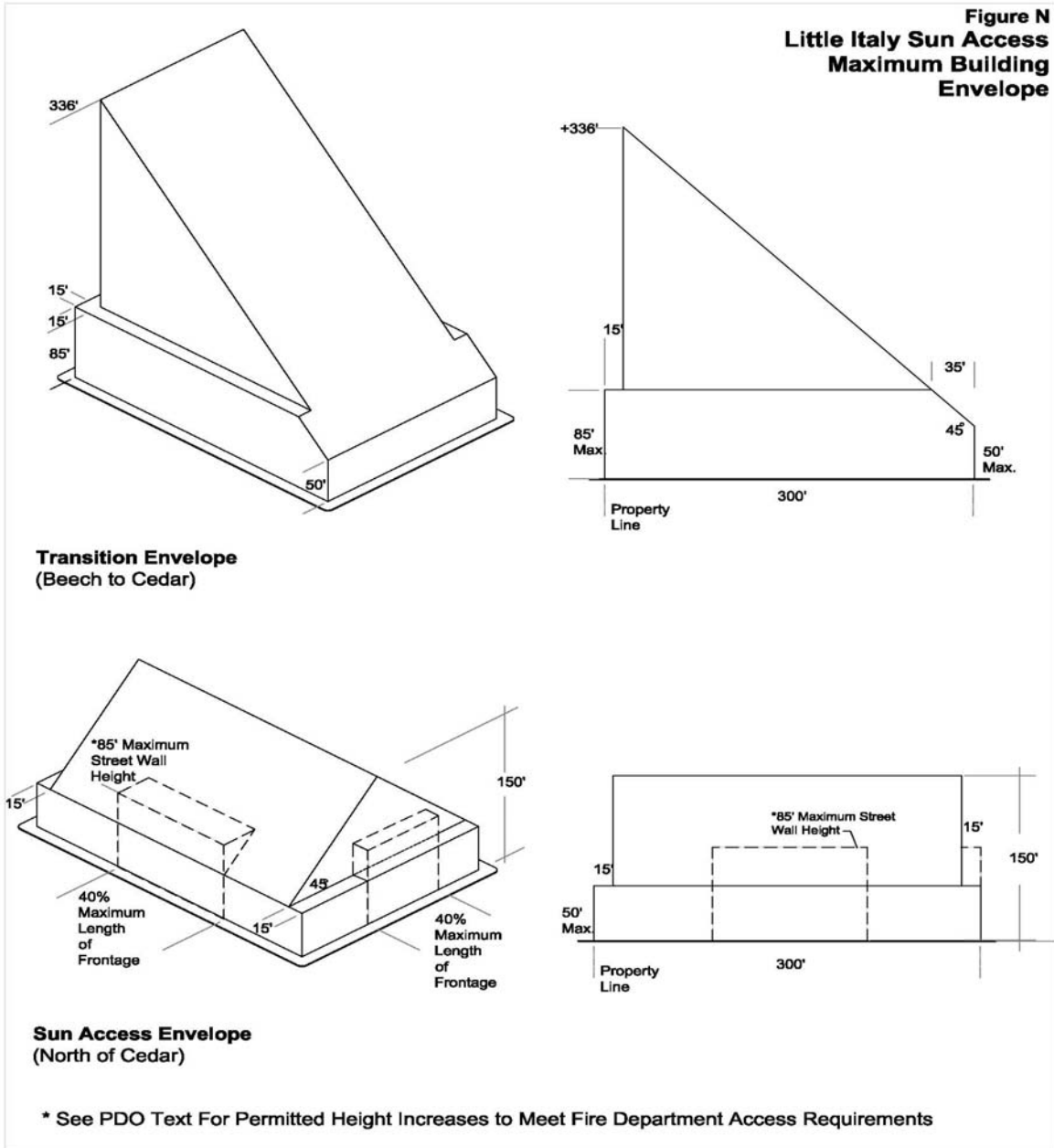




**Figure M
Public Park Sun Access Height Limits**



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



(Amended 9-7-2007 by O-19664 N.S.; effective 10-7-2007.)
 (Amended 12-7-2011 by O-20117 N.S.; effective 1-6-2012.)
 (Amended 6-26-2012 by O-20176 N.S.; effective 7-26-2012.)