

2025 Land Development Code Update – Downtown Review Draft

Reference List

Number	Name of Item	Code Section(s)
1	Downtown: Rooftop Gardens	156.0302 156.0309(d)(4)
2	Downtown: Permit Process for Development within the Coastal Zone Overlay	156.0307(b)(1)
3	Downtown: Urban Open Space Bonus Clarification	156.0309(d)(2)
4	Downtown: Increasing Child Care Facilities	156.0309(d)(6)
5	Downtown: Increasing Homeownership Opportunities	156.0309(d)(10)
6	Downtown: Small Lot Development Incentive	156.0309(d)(11)
7	Downtown: Increasing Middle Income Housing	156.0309(d)(12)
8	Downtown: C Street Revitalization Bonus	156.0309(d)(14)
9	Downtown: Preservation of Tree Canopy	156.0311(m)
10	Downtown: Alternative Interim Uses	156.0302 156.0307(b)(2) 156.0307(b)(9) 156.0315(f)
11	Downtown: Clarifying Applicable Development Regulations	156.0306
12	Downtown: Clarifying When Certain Processes Apply	156.0308(b)(4) 156.0315(h)(1)
13	Downtown: FAR Bonus Program Clarifications	156.0309(d) 156.0309(d)(1)-(6) 156.0309(d)(8)-(10) 156.0309(d)(13) 156.0309(d)(15)
14	Downtown: Greenway Bonus Clarification	156.0309(d)(9)
15	Downtown: Street Wall Exception for Pedestrian Entrances	156.0310(d)(1)(B)(iii)
16	Downtown: Fill-Type Utility Lid Requirements	156.0311(c) 157.0110(c)

17	Downtown: Removing Non-Regulatory and Unnecessary Language	156.0311(k) 156.0315(j)
18	Downtown: Live Entertainment Clarification	156.0315(c)
19	Downtown: Programming Activities in Promenades	156.0315(c)(6) 157.0110(c)
20	Downtown: Sidewalk Cafe and Streetary Design Regulations	157.0115
21	Downtown: Downtown Community Plan Minor Amendments	Draft Downtown Community Plan
22	Downtown: Reference and Labeling Corrections	156.0307(b)(7) 156.0308 - Table 156-0308-A
23	Downtown: Encroachments Clarification	156.0311(h)(3)
24	Downtown: Use Table - Alignment with Citywide Code	157.0110 - Table 157-0110-A
25	Downtown: Off-Site Alcohol Beverage Sales	156.0302 Table 156-0308-A 156.0315(a) 156.0315(b)
26	Downtown: Outdoor Activities	156.0302 Table 156-0308-A 156.0310(h) 156.0315(e)
27	Downtown: Transparency Alternative to Main Street Overlay	156.0307(b)(9)
28	Downtown: Temporary Construction Yards	156.0308 - Table 156-0308-A
29	Downtown: Traffic Calming at Garage Entrances	156.0313(j)
30	Downtown: Limiting Reductions in Sidewalk Area for Vehicle Loading	156.0313(k)
31	Downtown: Aligning Requirements for Alcohol Sales in the Gaslamp Quarter Planned District Ordinance	157.0111(a) 157.0111(b)
32	Downtown: Daytime Commercial Activation at Entertainment Venues	157.0111(c)

Article 6: Planned Districts

Division 3: The Centre City Planned District

Items 1, 10, 25, and 26

§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 [No change in text.]

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

Base floor area ratio (Base FAR) through *Bonus floor area ratio (Bonus FAR)*
[No change in text.]

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

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

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

Building base through *Courtyard* [No change in text.]

Craft beverage producer means an establishment licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages. Production can occur on or off the *premises*, and sales can be for on-site or off-site consumption.

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

Eco-roof means an open space area on top of a building roof that is landscaped and maintained according to the requirements of Section 156.0309(d)(4) and includes at least one shade tree with a minimum 36-inch box size for every 150 square feet.

Floor area ratio bonus (FAR bonus) through Mobile food trucks [No change in text.]

Outdoor Activities are temporary uses that include farmer's markets and other markets, arts and cultural events, recreational activities, social or community events. Outdoor activities may include the use of structures and small buildings.

Outdoor Use Area through Residential care facilities [No change in text.]

Screen or screening means partial or full enclosure of a space or area by landscaping or 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 through Urban open space [No change in text.]

Item 11
§156.0306

Other Applicable Planning, Zoning, and Development Regulations

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

Chapter 11 Land Development Procedures

Chapter 12 Land Development Reviews

Chapter 13 Zones

Chapter 14 General Regulations

Chapter 14 Article 1, Division 1, General Rules for Separately Regulated Uses

Chapter 14 Article 2, Division 1, Grading Regulations

Chapter 14 Article 2, Division 2, Drainage Regulations

Chapter 14 Article 2, Division 3, Fence Regulations

Chapter 14	Article 2, Division 4, Landscape Regulations
Chapter 14	Article 2, Division 5, Parking Regulations
Chapter 14	Article 2, Division 6, Public Facility Regulations
Chapter 14	Article 2, Division 7, Off-site Development Regulations
Chapter 14	Article 2, Division 9, Mechanical and Utility Equipment Screening
Chapter 14	Article 2, Division 10, Loading Area Regulations
Chapter 14	Article 2, Division 11, Outdoor Storage Display, and Activity Regulations
Chapter 14	Article 2, Division 12, Sign Regulations
Chapter 14	Article 3, Supplemental Development Regulations
Chapter 14	Article 4, Subdivision Regulations
Chapter 14	Article 5, Building Regulations
Chapter 14	Article 6, Electrical Regulations
Chapter 14	Article 7, Plumbing Regulations
Chapter 15	Article 1, Planned Districts

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown’s major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance for the design of new *development*.

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

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

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

Items 2, 10, 22, and 27

§156.0307 Land Use Districts

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

(a) [No change in text.]

(b) Overlay Districts

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

(1) Coastal Zone Overlay (CZ). This overlay district applies to lands near San Diego Bay in order to protect and enhance the quality of public access and coastal resources. *Development* within this overlay District requires a Process Two Coastal Development Permit in accordance with Chapter 12, Article 6, Division 7 of the Land Development Code. For *development* that earns an *FAR bonus* through any of the *FAR bonus* provisions of Section 156.0309(d), where the *development* is in conformity with the Local Coastal Program, the Coastal Development Permit shall be issued as a Building Permit in accordance with Process One as specified in Section 112.0502 and Chapter 12, Article 9, Division 2, if the administrative findings in Section 126.07089(a) are satisfied; Sections 126.0711, 126.0712, 126.0713, 126.0715, and 126.0716 shall not apply.

(2) *Commercial Street* Overlay (CS). On *commercial streets* a minimum of 60 percent of the ground-floor *street frontage* shall contain commercial uses. *Active Commercial Uses* appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. Outside of the Coastal Zone, up to 50 percent of required *active commercial uses* can be met with residential uses, provided that each of the *dwelling units* contain a minimum of three *bedrooms* and each *dwelling unit* on the ground floor fronting a *public right-of-way* has a separate ground floor entrance. ~~*Alternative Interim Uses* may be permitted on *commercial streets* pursuant to Section 156.0315(f).~~

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

- (7) Limited Vehicle Access Overlay. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(k)(i)(4).
- (8) [No change in text.]
- (9) *Main Street Overlay (MS)*. On designated *main streets*, a minimum of 80 percent of the ground *floor street frontage* shall contain *active commercial uses*. Those uses which are appropriate for locations along *main streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. ~~On lots of 10,000 square feet or less, the~~ The percentage of *active commercial uses* may be reduced to 50 percent of the *street frontage* if a minimum of 80 percent of the *street-facing building façade* is comprised of clear, non-reflective windows that allow views of the ground-level indoor space. *Alternative Interim Uses* may be permitted pursuant to Section 156.0315(f).
- (10) through (12) [No change in text.]

Items 12, 22, 25, 26, and 28

§156.0308 Base District Use Regulations

- (a) [No change in text.]
- (b) *Previously Conforming Land Uses and Structures*

Land uses and *structures* that were legally established under previous regulations but that do not conform to the land use regulations of this Article may continue to exist and operate pursuant to Chapter 12, Article 7, Division 1 of the Land Development Code, with the exceptions:

 - (1) through (3) [No change in text.]
 - (4) Where the *premises* contains Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Drive-Throughs, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, or Maintenance & Repair Facilities, the *gross floor area of previously conforming uses and structures* may not be expanded.

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 ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
Public Park/ Plaza/Open Space [No change in text.]	[No change in text.]											
Placemaking on Private Property	P	P	P	P	P	P	P	P	P	P		
Agriculture through Agriculture, Community Gardens [No change in text.]												
Residential ¹												
Rooming House	L	L	L	L	L	L	--	--	L	--	<u>§113.0103</u>	
Multiple Dwelling Units through Separately Regulated Residential Uses, Low Barrier Navigation Center [No change in text.]	[No change in text.]											
Living Units	P	P	P	P	P	P	--	--	P	--	<u>§156.0315(b)(e)</u>	
Residential Care Facilities through Permanent Supportive Housing [No change in text.]	[No change in text.]											
Separately Regulated Institutional Uses												
Satellite Antennas	L/ €	L/ €	L/ €	L/ €	L/ €	L/ €	L/ €	L/ €	L/ €	L/ €	§141.0405	
Correctional Placement Centers through <i>Cultural Institutions</i> [No change in text.]	[No change in text.]											
Educational Facilities	P	P	P	P	P	P	--	--	P	--	<u>§141.0407</u>	CS, E
Energy Generation & Distribution Stations [No change in text.]	[No change in text.]											

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS												
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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
Exhibit Halls & Conventional Facilities	--	--	--	--	C	--	C	C	C	--	<u>§141.0409</u>	E
Historical Buildings Occupied by Uses Not Otherwise Allowed	C	C	C	C	C	C	C	C	C	C	§156.0315(i)(g)	
Homeless Facilities ⁶	C	--	C	C	C	--	--	--	C	--	§141.0412 §156.0315(i)	
Hospitals [No change in text.]	[No change in text.]											
Intermediate Care Facilities and Nursing Facilities	P	P	P	P	P	P	--	--	P	≡	§141.0413	CS, E
Major Transmission, Relay or Communication Switching Station [No change in text.]	[No change in text.]											
<u>Placemaking on Private Property⁵</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<i>Social Service Institutions</i>	C	--	C	C	C	--	--	--	C	--	§156.0315(i) <u>§141.0417</u>	CS
<i>Wireless Communication Facilities through Separately Regulated Retail Sales Uses, Off-Site Alcohol Beverage Sales</i> [No change in text.]	[No change in text.]											
Commercial Services												
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	--	--	P	--	<u>§141.0625</u>	CS, E

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	<i>MS/CS & E Overlays¹⁵</i>
Assembly & Entertainment	P	P	P	P	P	--	--	--	P	P	<u>§141.0602</u>	CS, E
With Live Entertainment	N <u>CL</u>	N <u>CL</u>	N <u>CL</u>	N <u>CL</u>	N <u>CL</u>	--	--	--	N <u>CL</u>	N <u>CL</u>	§156.0315(c)	
With Outdoor Use Area	L <u>N</u>	L <u>N</u>	L <u>N</u>	L <u>N</u>	L <u>N</u>	--	--	--	L <u>N</u>	L <u>N</u>	§156.0315(d)	
Building Services through Eating & Drinking Establishments, <i>Bona-Fide Eating Establishments</i> [No change in text.]	[No change in text.]											
<i>Brewpubs</i>	P	P	P	P	P	P	--	--	P	P	§156.0315 (b)(2)	MS, CS, E
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i> [No change in text.]	[No change in text.]											
<i>Brewery Tasting Rooms-Craft Beverage Producer</i>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)(4) (2)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	P	P	P	P	P	P	--	--	P	--	§156.0315 (b)(3)	MS, CS, E
With Outdoor Use Area	L <u>N</u>	L <u>N</u>	L <u>N</u>	L <u>N</u>	L <u>N</u>	L <u>N</u>	--	--	L <u>N</u>	P	§156.0315(d)	
With Live Entertainment	L <u>N</u> <u>C</u>	L <u>N</u> <u>C</u>	L <u>N</u> <u>C</u>	L <u>N</u> <u>C</u>	L <u>N</u> <u>C</u>	--	--	--	L <u>N</u> <u>C</u>	--	§156.0315(c)	
<i>Mobile Food Trucks through Separately Regulated Commercial Service Uses, Child Care Facilities</i> [No change in text.]	[No change in text.]											
<i>Outdoor Activities</i>	N <u>CP</u>	N <u>CP</u>	N <u>CP</u>	N <u>CP</u>	N <u>CP</u>	N <u>CP</u>	--	--	N <u>CP</u>	N <u>CP</u>	§156.0315(e)	MS, CS

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS												
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS = Commercial Street; E = Employment Overlay												
Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
<u>With Live Entertainment</u> ⁵	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	--	<u>C</u>	<u>C</u>	<u>§156.0315(c)</u>	
Parking Facilities (structure or surface) ⁸	C	C	C	C	C	C	C	C	C	C	§156.0313	CS
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	--	--	P	--	<u>§141.0617</u>	
Pushcarts on private property through Recycling Facilities, Small and Large Processing Facilities [No change in text.]	[No change in text.]											
Sidewalk Cafes ¹⁰ , Streetaries, and Active Sidewalks	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	§141.0621	
SRO Hotels [No change in text.]	[No change in text.]											
<u>Urgent Care Facilities-Urgent Care Facilities</u>	P	P	P	P	P	P	--	--	P	--	§141.0624	CS, E
Offices ⁽⁹⁾ through Distribution and Storage, Moving & Storage Facilities [No change in text.]	[No change in text.]											
Separately Regulated Distribution and Storage Uses												
Temporary Construction Yards	NL	NL	NL	NL	NL	NL	NL	NL	NL	--	<u>§141.0903</u>	
Industrial through Trucking and Transportation Terminals [No change in text.]												
Separately Regulated Industrial Uses												
Cannabis Production Facilities	-	-	-	-	-	-	-	-	-	-	<u>§141.1004</u>	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS												
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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	MC	RE	I ⁷	T ⁷	PC	OS	Additional Regulations	MS/CS & E Overlays ¹⁵
Signs through Allowable <i>Signs</i> [No change in text.]												
Separately Regulated Signs Uses												
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	§141.1101 §141.1104 §14 1.1102	
Reallocation of <i>Sign</i> Area Allowance through Other Use Requirements , Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]											

Footnotes for Table 156-0308-A

¹ through ⁴ [No change in text.]

⁵ Uses designated with CS, MS, or E must meet minimum percentages specified in sections 156.0307(b) (4), (6), and (10). In lieu of a Conditional Use Permit, placemaking on private property and outdoor activities may offer live entertainment for up to twenty days per calendar year through the approval of one or more Temporary Use Permits.

⁶ through ¹⁵ [No change in text.]

Items 1, 3, 4, 5, 6, 7, 8, 13, and 14

§156.0309 FAR Regulations and TDRs

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

(d) *FAR Bonuses*

Development may exceed the maximum *base FAR* for the site established by Figure H if the *applicant* provides certain public benefits or *development* amenities. The increased *density* earned through each *FAR bonus* shall be in addition to any other increase in *density* allowed by any other *density* bonus program. Any *development* that earns an *FAR bonus* through any of the *FAR bonus* provisions of this Section shall either record covenant restrictions, *CC&Rs*, or an easement on the property to

ensure that the requirements of each *FAR bonus* are met. If a *development* earns an *FAR bonus* through any of the *FAR bonus* provisions of this Section but fails to maintain compliance with their requirements, equivalent payment shall be made to the *FAR Bonus* Fund.

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

(A) [No change in text.]

- (B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in the AHR:

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

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

For the purposes of the above calculation:

Pre-AHR bonus *FAR* means the Maximum *Base FAR* found in Figure H plus any additional *bonus FAR* earned through Sections 156.0309(d)(2)-(11) and ~~Section 156.0309(f)~~.

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

- (ii) through (iv) [No change in text.]

- (v) Underutilized Auto-Oriented Properties. For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i); where the *premises*

contains any of the following uses as of January 1, 2023: Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, Maintenance & Repair Facilities, or Drive-Throughs, and those uses are to be replaced with residential *development*, the *development* shall receive an additional *density* bonus of 50 percent of the AHR bonus.

- (C) Micro-Unit Incentive. For *development* proposing to utilize Section 143.0720(l)(9) providing for a 100% *density* bonus for micro-unit *development*, the *development* must first utilize other *FAR* bonus programs as listed in Section 156.0309(d) to achieve a minimum *FAR* bonus of 3.0.
- (2) ~~Urban Open Space~~Public Spaces Incentive. *Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for an *FAR bonus* of 2.0, 4.0, 6.0, or 8.0; ~~subject to the following criteria:~~ Within the Downtown Community Planning Area, the addition of amenities to an existing public park shall be exempt from City Council Policy 600-33, including the requirement to amend a General Development Plan, subject to the approval of the Parks and Recreation Department Director.
- (A) The amount of *FAR bonus* shall be based on the ~~following criteria:~~ criteria listed below. For the purposes of this section, the term amenities means the components listed in the Amenities/Recreation Opportunities Table in Appendix D of the Parks Master Plan.
- (i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 2.0 or 4.0 if the length of the Active Sidewalk is greater than 150 linear feet.
- (ii) *Urban open space* that is at least 10 percent of the site and includes amenities which achieve a minimum of 7 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 4.0.

- (iii) *Urban open space* that is at least 15 percent of the site and includes amenities which achieve a minimum of 10.5 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 6.0.
- (iv) *Urban open space* that is at least 20 percent of the site and includes amenities which achieve a minimum of 14 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 8.0.
- (v) [No change in text.]
- (vi) An *FAR Bonus* of 4.0 shall be granted for the provision of new or replacement of existing amenities that achieve a minimum of 7 points in any existing public park, subject to the approval of the Parks and Recreation Department Director, or in any existing *greenway* or *urban open space*, subject to the approval of the Development Services Department Director. The *FAR Bonus* granted pursuant to this section shall be transferable to any site within the Centre City Planned District upon the execution of a *certificate of transfer*.

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

- (3) ~~Three Bedroom Units~~Family-Style Housing Incentive. To encourage larger *dwelling units* and accommodate larger *families, developments* that provide at least 5 three *bedroom* units, with each *bedroom* containing a minimum of 70 square feet, and have CC&Rs recorded on the property requiring the number of *bedrooms* in those units shall be entitled to an *FAR bonus*, subject to the following criteria:

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

- (4) *Eco-Roofs Incentive*. ~~*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~~an *FAR bonus* may be earned based on the amount of *eco-roof* area. An *FAR Bonus* of 1.0 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint. The *eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to

the City Manager prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

- (A) ~~An *FAR Bonus* of 0.5 shall be granted if the total area of an *eco-roof* exceeds 50 percent of the building's footprint. An additional *FAR Bonus* of 0.51.0 shall be granted for an *eco-roof* area that is designed to be accessible to the building occupants and which remains accessible through the recording of *CC&Rs* in accordance with Section 156.0309(d)(4)(B).~~
- (B) ~~*CC&Rs* shall be recorded on the property providing for the development and perpetual maintenance of the *eco-roof* to City standards, and access by the building occupants to the *eco-roof*. These provisions of the *CC&Rs* shall be approved by the City Manager and the City Attorney's Office. An additional *FAR Bonus* of 2.5 shall be granted if the *eco-roof* is a *community garden* that is accessible to the building occupants.~~
- (C) [No change in text.]
- (5) *Employment Uses Incentive*. To encourage the *development* of *employment uses* in the Centre City Planned District, a *FAR bonus* may be earned for the provision of *employment uses* within the *development*. In the Employment Overlay District, *development* containing 100 percent *employment uses*, excluding *hotel/motel* uses shall have no limit on *FAR*. In all other areas of the Centre City Planned District, any *development* that contains at least 50 percent *employment uses*, excluding *hotel/motel* uses, shall receive an *FAR bonus* of 50 percent and may utilize the *development* regulations within the Large Floorplate Overlay District.
- (6) *Child Care Facilities Incentive*. *Development* that includes a *child care facility* in compliance with the requirements of Section 141.0606 and maintains an 'E' occupancy permit for a minimum of 20 years from the time of *construction permit* issuance will receive an *FAR bonus* at the rate of 20 square feet of additional *gross floor area* for each 1 square foot of *gross floor area* devoted to the *child care facility*. *CC&Rs* shall be recorded on the property requiring the maintenance of the "E" occupancy. As an alternative to providing the *child care facility* onsite, an applicant may provide a new *child care facility* on a different premises in either a new or existing building within a 1.5-mile radius of the

development, provided the *child care facility* receives a Certificate of Occupancy within 24 months of the issuance of the first Building Permit for the *development*.

(7) [No change in text.]

(8) Sustainable Buildings Incentive. *Development* that demonstrates a high level of building sustainability by achieving a targeted level of performance may qualify for an *FAR bonus* of 1.0 or 2.0, subject to the following criteria:

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

(9) ~~Greenways Streets Incentive. *Development* located anywhere within the Centre City Planned District that includes *public improvements* consistent with Section 156.0304(b)(3)(A) through (D);~~ Section 156.0304(b)(3)(A), (B), or (C)(i) through (vi) shall be entitled to an *FAR Bonus* of ~~2.03.0~~ or ~~4.05.0~~ if the *public improvement* is greater than 150 linear feet.

(10) Homeownership Opportunities Incentive. *Development* that utilizes any of the *FAR Bonus* provisions in Section 156.0309(d)(1) through (9) and achieves at least 150 percent of the Base Maximum *floor area ratio* shall receive an additional *FAR bonus* of 6.0 if the *development* includes at least 60 percent for-sale housing and does not include any *visitor accommodations*. Prior to the issuance of the final Certificate of Occupancy the *applicant* shall provide a recorded Certificate of Compliance, *parcel map*, or *final map* to ensure the timely completion of the *subdivision* process to the satisfaction of the City Manager.

(11) Small Lot *Development Accelerator*. *Development* located on a lot less than 12,000 square feet in area that utilizes any of the *FAR Bonus* provisions in Section 156.0309(d)(1) through (11) and achieves at least 150 percent of the Base Maximum *floor area ratio* shall receive an additional *FAR bonus* of 4.0 and shall be exempt from the requirements of 156.0310(d)(1)(E) through (G) and 156.0310(d)(2) and (3).

~~(10)~~(12) Middle Income Housing Incentive. *Development* that includes a minimum of 100 residential *dwelling units* where 20 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the area *median income* shall have no limit on *density*. Where *development* includes a minimum of 300 residential *dwelling units* and 100 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the

area median income, those dwelling units located entirely within the bonus FAR shall not be subject to the requirements of Chapter 14, Article 2, Division 13. Non-residential uses may occupy no more than 20 percent of the gross floor area.

~~(11)(13)~~ Underutilized Properties Incentive. Development which utilizes any of the FAR bonus provisions in Section 156.0309(d)(1) through (9)(12), where the premises contains existing development, which that is less than the Base Minimum FAR, as identified on Figure H, as of January 1, 2024, the development shall receive an additional density bonus of 30 percent of the FAR bonus. If the building permit application is deemed complete between January 1, 2024 and January 1, 2029, the development shall receive an additional density bonus of 50 percent of the FAR bonus.

(14) C Street Revitalization Bonus. Development located along C Street that utilizes any of the FAR bonus provisions in Sections 156.0309(d)(1) through (13) shall receive an additional density bonus of 100% of the FAR bonus.

(15) Housing Element Accelerator. Development that utilizes any of the FAR bonus provisions in Sections 156.0309(d)(1) through (14) shall receive an additional density bonus of 50 percent of the FAR bonus if the building permit application is deemed complete between January 1, 2024 and January 1, 2029.

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

Items 15 and 26

§156.0310 Development Regulations

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

(d) **Building Bulk.** Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be applicable only in the areas within the Large Floorplate and Employment Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310-A:

TABLE 156-0310-A: DEVELOPMENT STANDARDS

[No change in text.]

(1) *Building Base*

- (A) [No change in text.]
- (B) *Street Wall Frontage*. A *street wall* containing habitable space shall be provided along 100 percent of the *street frontage*, with the following exceptions:

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

- (iii) Recessed pedestrian entrances a maximum of 25 feet wide and a maximum of 15 feet deep;

- (iv) through (viii) [No change in text.]

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

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

- (e) through (g) [No change in text.]

- (h) *Outdoor Activities* Development Regulations

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

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

Items 9, 16, 17, and 23

§156.0311 Urban Design Regulations

The following urban design standards are intended to create a distinct urban character for the Centre City Planned District, ensure that *development* is designed with a pedestrian orientation, and foster a vital and active street life.

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

- (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.

Subsurface utility equipment located under the sidewalk shall utilize fill-type lids covered with matching sidewalk material. As an alternative to fill-type lids, for covers that are less than 31 inches by 49 inches in size, an applicant may instead propose ductile-iron, traffic-rated and slip-resistant vault lids, as determined by the City Engineer, that are painted or stained to match the color of the surrounding sidewalk materials.

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

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

~~(3) — Other Projections. Additional *encroachments* such as awnings, canopies, *marquees*, and *architectural projections* may be permitted in accordance with Chapter 14, Article 2, Division 12 of this Code.~~

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

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

(k) Ballpark Mixed-Use District Design Guidelines

~~(1) — Intent. The intent of these Design Guidelines is to create a memorable district that instills a strong sensory response from visitors, a district that is safe and comfortable throughout the year, and retains an association with historic activities of the J Street Corridor and the transition zone and their role in San Diego's~~

~~growth and development, nurturing positive social interaction and neighborliness on non-game days as well as days with planned events. These Design Guidelines are intended to revitalize the East Village and promote new development that is compatible with PETCO Park and the existing buildings of the J Street Corridor and the transition zone. These Design Guidelines shall be advisory, not regulatory, for all public and private development.~~

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

~~(A) — Realization of the Bay to Park Link;~~

~~(B) — Revitalization of the East Village; and~~

~~(C) — Reinforcement of the South Embarcadero.~~

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

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

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

~~(C) — Territoriality of Public Space. All spaces should have a sense of ownership.~~

~~(D) — Composition and Juxtaposition of Elements. Buildings, streetscape improvements, and landscaping should be designed to create a memorable experience.~~

~~(E) — Two sub-areas within the Ballpark Mixed Use District should receive particular attention:~~

~~(i) — The J Street Corridor. The J Street corridor (between Sixth and Eleventh Avenues) should be developed as an active commercial mixed-use district with a strong pedestrian orientation. The character of late nineteenth and early twentieth century commercial buildings should be extended~~

~~eastward from the Gaslamp Quarter. The development of new buildings shall be compatible in scale and materials.~~

- ~~(ii) The Sixth/Seventh Avenue Transition Zone. Located immediately west of PETCO Park between L Street and the J Street Corridor, this area should create links between the Gaslamp Quarter and PETCO Park along K and L Streets.~~

~~(4)~~(1) Design Guidelines

- (A) Along the J Street Corridor (between Sixth Avenue and Eleventh Avenue)

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

- (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~~should be stepped back by at least 50 feet.

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

- (B) Within the Sixth/Seventh Avenue Transition Zone (between L Street and the J Street Corridor):

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

- (C) [No change in text.]

- (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.

(l) [No change in text.]

(m) Preservation of Mature Trees

Mature trees shall be preserved to the extent feasible. For the purposes of this Section, mature tree means an existing tree with a height and spread of at least 15 feet that is located in the *public right-of-way* or within 10 feet of the *property line*. *Development* shall receive an *FAR bonus* of 0.2 *FAR* for each mature tree that it preserves. *Development* shall provide one of the following for each *street frontage* where 50% or more of the mature trees are proposed to be removed:

- (i) An active sidewalk with a double row of canopy trees along the ground floor street frontage;
- (ii) An *FAR bonus* payment in an amount equal to the purchase of 0.5 *FAR*.
- (iii) Two trees for each mature tree removed, either onsite or at an offsite location within the Centre City Planned District.

Items 29 and 30

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

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

(j) Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of Section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet.

Security gates for parking garages shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10-foot required minimum distance from the front *property line*. A vertical speed reduction device shall be provided in the area between the security gate and the property line. Security gates shall be constructed of an upgraded screening material that is at least 80% non-transparent.

(k) Passenger Loading Zones

Movement of the curb line shall not be permitted to accommodate passenger loading zones.

~~(k)~~(l) Transportation Demand Management (TDM)

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

TABLE 156-0313-D: TRANSPORTATION DEMAND MANAGEMENT (TDM)

[No change in text.]

Items 10, 12, 17, 18, 19, 25, and 26

§156.0315 Separately Regulated Uses

(a) On-Site Alcohol Beverage Sales

The sale of alcoholic beverages for on-site consumption is permitted by right at *bona-fide eating establishments and craft beverage producers*. Notwithstanding Section 56.54(b), the sale of alcoholic beverages by a City lessee for on-site consumption within public parks located in the Downtown Community Plan area is permitted by right. Non *bona-fide eating establishments*, bars, assembly and entertainment uses, *outdoor activities*, and other similar commercial establishments of 5,000 square feet or greater, that provide alcoholic beverages for on-site consumption, shall obtain a Neighborhood Use Permit in accordance with Process Two.

(b) Off-Site Alcohol Beverage Sales

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

- (1) Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided in Sections 156.0315(b)(2), ~~(3)~~ and ~~(4)~~ below:
 - (A) through (C) [No change in text.]
 - (D) After conducting a public hearing, the Hearing Officer may approve exceptions to 156.0315(b)(1)(A)-(C) for establishments that are 25,000 square feet or greater, provide onsite security staff during all hours of operation, and dedicate no more than 10% of the retail floor area to the display of alcoholic beverages, upon making the following findings:
 - (i) through (ii) [No change in text.]
- (2) ~~Brewpubs~~ Craft beverage producers offering alcoholic beverages manufactured by the business licensee for off-site consumption as ~~an accessory use~~ are permitted, subject to the following regulations:
 - (A) ~~A bona fide eating establishment shall be the primary use on the premises with made-to-order food available during all hours of operation.~~ The establishment shall provide for on-site consumption of the products produced by the licensee.
 - (B) ~~An accessory alcohol manufacturing operation must be operated on the premises.~~ If alcohol manufacturing occurs on the premises, off-site sales shall be an accessory use to either the beverage manufacturing operations or to a bona-fide eating establishment with made-to-order food available during all hours of operation.
 - (C) If alcohol manufacturing does not occur on the premises, the gross floor area of the establishment shall not exceed 5,000 square feet
 - ~~(C)(D)~~ No malt beverage, wine, or similar products shall be sold in less than 16.9-ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles.
 - ~~(D)(E)~~ Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An

exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the *findings* in Section 156.0315(b)(1)(D)(i)-(ii).

~~(3) — *Brewpub tasting rooms* offering alcoholic beverages manufactured by the business for off-site consumption as an *accessory use* shall be subject to the following regulations:~~

~~(A) — An alcohol manufacturing operation must be operated on the *premises*.~~

~~(B) — No malt beverage, wine, or similar products shall be sold in less than 16.9 ounce quantities. No distilled spirits shall be sold in less than 750 ml bottles.~~

~~(C) — Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three upon making the *findings* in Section 156.0315(b)(1)(D).~~

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

~~(A) — The *gross floor area* of the establishment shall not exceed 5,000 square feet;~~

~~(B) — The establishment shall provide for on-site consumption of the products manufactured by the business;~~

~~(C) — No malt beverage shall be sold for off-site consumption in less than 16.9 ounce quantities; and~~

~~(D) — Off-site sales under this provision shall be limited to between the hours of 10:00 a.m. and 10:00 p.m. An exception to these hours may be approved through a Conditional Use Permit in accordance with Process Three, upon making the *findings* in Section 156.0315(b)(1)(D).~~

(c) *Live entertainment*

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

- (1) ~~Acoustic live entertainment~~ Any establishment may offer non-amplified performances by live musicians or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.
- (A) ~~Bona fide eating establishments may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.~~
- (B) ~~Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.~~
- (2) ~~Non-acoustic live entertainment~~ Any establishment offering amplified performances within an enclosed building by live musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.
- (A) ~~Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.~~
- (B)(A) ~~If located upon or adjacent to a premises containing residential land uses, the establishment shall provide a noise impact analysis to the decision maker for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.~~
- (3) through (5) [No change in text.]
- (6) The programming of multiple activities, including live entertainment, within a promenade in the Centre City Planned District may be permitted with a single annual Special Events Permit.
- (d) [No change in text.]
- (e) ~~Outdoor activities~~

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

- ~~(1) — *Outdoor activities* shall obtain a Neighborhood Use Permit in accordance with Process Two.~~
- ~~(2) — *Outdoor activities* may offer *live entertainment* for no more than six days per calendar year through the approval of one or more Temporary Use Permits.~~
- ~~(3) — *Outdoor activities* shall be required to obtain a Conditional Use Permit in accordance with Process Three if *live entertainment* is offered more than six days per calendar year.~~
- ~~(f) — *Alternative Interim Uses* within Neighborhood Mixed Use Centers and along *Main Streets* and *Commercial Streets* are permitted upon approval of a Conditional Use Permit in accordance with Process Three, when the following *findings* are made:~~
 - ~~(1) — The applicant has provided a market study or other evidence to demonstrate that *active commercial uses* are not currently economically viable in this location due to the level of development of the surrounding neighborhood.~~
 - ~~(2) — The building has been designed to accommodate *active commercial uses* in the future.~~

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

~~(g)~~(e) *Living Units.*

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

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

~~(h)~~(f) *Historical Resources*

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

(1) Minor Alterations

Minor alterations (as defined in Section 143.0250) to an *historical resource* shall be reviewed in accordance with Chapter 14, Article 3, Division 2 of this Code. New *development* that steps back a minimum of 15 feet from the *building façade* of a *historical resource* shall be considered a minor alteration for the purposes of this review.

(2) [No change in text.]

~~(i)~~(g) *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) through (4) [No change in text.]

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

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

~~(1) The proposed institution or facility is relocating from another location within the Centre City Planned District and the owner or permittee of the previous location rescinds any existing Conditional Use Permit or *previously conforming* use rights pursuant to Section 126.0110(b).~~

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

~~(k)~~(h) *Reasonable Accommodations*

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

Figure B: Land Use Districts through Figure N: Little Italy Sun Access Maximum Building Envelope

[No change in text.]

Article 7: Planned Districts

Division 1: Gaslamp Quarter Planned District

Items 16, 19, and 24

§157.0110 Permitted Uses

No building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground-*floor* uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground-*floor* of a building except as provided in Section 157.0111(d).

The uses allowed in the Gaslamp Quarter Planned District are shown in Table 157-0110-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.

Table 157-0110-A: GASLAMP QUARTER 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				
Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	Additional Regulations
<u>Public Park/Plaza/Open Space</u>				
<u>Active Recreation</u>	<u>P</u>			
<u>Passive Recreation</u>	<u>P</u>			
<u>Natural Resources Preservation</u>	<u>--</u>			
<u>Park Maintenance Facilities</u>	<u>P</u>			
<u>Placemaking</u>	<u>P</u>			
<u>Agriculture</u>				
<u>Agricultural Processing</u>	<u>--</u>			
<u>Aquaculture Facilities</u>	<u>--</u>			
<u>Dairies</u>	<u>--</u>			
<u>Horticulture Nurseries & Greenhouses</u>	<u>P</u>			
<u>Raising & Harvesting of Crops</u>	<u>P</u>			
<u>Raising, Maintaining & Keeping of Animals</u>	<u>--</u>			
<u>Separately Regulated Agriculture Uses</u>				
<u>Agricultural Equipment Repair Shops</u>	<u>--</u>			
<u>Commercial Stables</u>	<u>--</u>			
<u>Equestrian Show & Exhibition Facilities</u>	<u>--</u>			
<u>Open Air Markets for the Sale of Agriculture-related Products & Flowers</u>	<u>P</u>			<u>§141.0205</u>
<u>Residential</u>				
<u>Mobilehome Parks</u>	<u>--</u>			
<u>Multiple Dwelling Units</u>	<u>P¹</u>			
<u>Rooming House</u>	<u>L¹</u>			<u>§131.0112(a)(3)(A)</u>
<u>Shopkeeper Units</u>	<u>P</u>			
<u>Single Dwelling Units</u>	<u>--</u>			
<u>Separately Regulated Residential Uses</u>				
<u>Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Employee Housing</u>	<u>--</u>			
<u>Continuing Care Retirement Communities</u>	<u>L¹</u>			<u>§141.0303</u>
<u>Fraternities, Sororities, and Dormitories</u>	<u>N¹</u>			<u>§141.0305(c)-(e)</u>
<u>Garage, Yard, & Estate Sales</u>	<u>--</u>			
<u>Guest Quarters</u>	<u>--</u>			
<u>Home Occupations</u>	<u>P¹</u>			<u>§141.0308</u>
<u>Interim Ground Floor Residential</u>	<u>N</u>			<u>§141.0309</u>

Table 157-0110-A: GASLAMP QUARTER 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				
Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Junior Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Live/Work Quarters</u>	<u>P¹</u>			<u>§141.0311</u>
<u>Moveable Tiny Houses</u>	<u>--</u>			
<u>Low Barrier Navigation Center</u>	<u>L</u>			<u>§141.0317</u>
<u>Residential Care Facilities</u>	<u>L</u>			<u>§141.0312</u>
<u>Student Housing</u>	<u>L¹</u>			<u>§141.0319</u>
<u>Transitional Housing</u>	<u>L</u>			<u>§141.0313</u>
<u>Watchkeeper Quarters</u>	<u>--</u>			
<u>Permanent Supportive Housing</u>	<u>L</u>			<u>§141.0315</u>
<u>Separately Regulated Institutional Uses</u>				
<u>Airports</u>	<u>--</u>			
<u>Battery Energy Storage Facilities</u>	<u>--</u>			
<u>Botanical Gardens & Arboretums</u>	<u>P</u>			<u>§141.0402</u>
<u>Cemeteries, Mausoleums, Crematories</u>	<u>--</u>			
<u>Correctional Placement Centers</u>	<u>--</u>			
<u>Educational Facilities</u>	<u>P</u>			<u>§141.0407</u>
<u>Energy Generation and Distribution Stations</u>	<u>--</u>			
<u>Electric Vehicle Charging Stations</u>	<u>P</u>			<u>§141.0419</u>
<u>Exhibit Halls & Convention Facilities</u>	<u>P</u>			<u>§141.0409</u>
<u>Flood Control Facilities</u>	<u>--</u>			
<u>Historical Buildings Used for Purposes Not Otherwise Allowed</u>	<u>--</u>			<u>§141.0411</u>
<u>Homeless Facilities</u>	<u>L¹</u>			<u>§141.0412</u>
<u>Hospitals</u>	<u>--</u>			
<u>Intermediate Care Facilities and Nursing Facilities</u>	<u>L¹</u>			<u>§141.0413</u>
<u>Interpretive Centers</u>	<u>P</u>			<u>§141.0414</u>
<u>Museums</u>	<u>P</u>			<u>§141.0415</u>
<u>Major Transmission, Relay, or Communications Switching Stations</u>	<u>--</u>			<u>§141.0416</u>
<u>Placemaking on Private Property</u>	<u>P</u>			
<u>Satellite Antennas</u>	<u>L</u>			<u>§157.0118</u> <u>§141.0405</u>
<u>Social Service Institutions</u>	<u>L</u>			<u>§141.0417</u>
<u>Solar Energy Systems</u>	<u>P</u>			<u>§141.0418</u>

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Use Categories/ Subcategories	Any Floor of a Building Gaslamp Quarter Planned District	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
<u>Wireless Communication Facilities</u>	<u>See Sections 141.0420 and 157.0118</u>			
<u>Retail Sales</u>				
<u>Building Supplies & Equipment</u>	<u>P</u>			
<u>Food, Beverages, and Groceries</u>	<u>P</u>			
<u>Consumer Goods, Furniture, Appliances, Equipment</u>	<u>P</u>			
<u>Pets & Pet Supplies</u>	<u>P</u>			
<u>Sundries, Pharmaceuticals, & Convenience Sales</u>	<u>P</u>			
<u>Wearing Apparel & Accessories</u>	<u>P</u>			
<u>Separately Regulated Retail Sales Uses</u>				
<u>Agriculture Related Supplies & Equipment</u>	<u>--</u>			
<u>Alcoholic Beverage Outlets</u>	<u>C</u>			<u>§157.0111(b)</u>
<u>Cannabis Outlets</u>	<u>P</u>			<u>§141.0504</u>
<u>Farmers' Markets</u>	<u>P</u>			<u>§141.0503</u>
<u>Off-Site Alcoholic Beverage Sales</u>	<u>C</u>			<u>§157.0111(b)</u>
<u>Plant Nurseries</u>	<u>P</u>			<u>§141.0505</u>
<u>Retail Farms</u>	<u>P</u>			<u>§141.0506</u>
<u>Retail Tasting Stores</u>	<u>P</u>			<u>§141.0508</u>
<u>Swap Meets & Other Large Outdoor Retail Facilities</u>	<u>--</u>			
<u>Commercial Services</u>				
<u>Animal Grooming & Veterinary Offices</u>	<u>P</u>			
<u>Assembly & Entertainment</u>	<u>P</u>			<u>§157.0111(a)(2)</u>
<u>With Live Entertainment</u>	<u>L</u>			<u>§157.0111(c)</u>
<u>With Outdoor Use Area</u>	<u>L</u>			<u>§156.0315(d)</u>
<u>Building Services</u>	<u>P</u>			
<u>Business Support</u>	<u>P</u>			
<u>Eating & Drinking Establishments</u>	<u>P</u>			<u>§157.0111(a)-(b)</u>
<u>With Live Entertainment</u>	<u>L</u>			<u>§157.0111(c)</u>
<u>With Outdoor Use Area</u>	<u>L</u>			<u>§156.0315(d)</u>
<u>Financial Institutions</u>	<u>P</u>			
<u>Funeral & Mortuary Services</u>	<u>P¹</u>			
<u>Instructional Studios</u>	<u>P</u>			

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Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Maintenance & Repair</u>	<u>P</u>			
<u>Off-Site Services</u>	<u>P</u>			
<u>Personal Services</u>	<u>P</u>			
<u>Radio & Television Studios</u>	<u>P</u>			
<u>Tasting Rooms</u>	<u>P</u>			<u>§157.0111</u>
<u>Visitor Accommodations</u>	<u>P¹</u>			
<u>Separately Regulated Commercial Service Uses</u>				
<u>Adult Day Care Facility</u>	<u>P¹</u>			
<u>Boarding Kennels/Pet Day Care Facilities</u>	<u>P</u>			<u>§141.0604</u>
<u>Adults Entertainment Establishments</u>	<u>--</u>			
<u>Veterinary Clinics & Animal Hospitals</u>	<u>P</u>			<u>§141.0625</u>
<u>Assembly Uses, including Places of Religious Assembly</u>	<u>P</u>			<u>§141.0602</u>
<u>Bed & Breakfast Establishments</u>	<u>P¹</u>			
<u>Camping Parks</u>	<u>--</u>			
<u>Child Care Facilities</u>	<u>P</u>			<u>§141.0606</u>
<u>Eating and Drinking Establishments with a Drive-in or Drive-through Component</u>	<u>--</u>			
<u>Fairgrounds</u>	<u>--</u>			
<u>Golf Courses, Driving ranges, and Pitch & Putt Courses</u>	<u>--</u>			
<u>Helicopter Landing Facilities</u>	<u>--</u>			
<u>Massage Establishments, Specialized Practice</u>	<u>L¹</u>			<u>§141.0613</u>
<u>Mobile Food Trucks</u>	<u>--</u>			
<u>Parking Facilities (structure or surface)</u>	<u>--</u>			
<u>Private Clubs, Lodges and Fraternal Organizations</u>	<u>P¹</u>			<u>§141.0617</u>
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size</u>	<u>--</u>			
<u>Pushcarts on private property</u>	<u>L</u>			<u>§141.0619</u>
<u>Recycling Facilities</u>	<u>--</u>			
<u>Sidewalk Cafes, Streetaries, and Active Sidewalks</u>	<u>P</u>			<u>§141.0621</u> <u>§157.0115</u>
<u>Sports Arenas & Stadiums</u>	<u>--</u>			

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Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Theaters That Are Outdoor or over 5,000 Square Feet in Size</u>	<u>P</u>			<u>§141.0623</u>
<u>SRO Hotels</u>	<u>P¹</u>			<u>§143.0510- §143.0590</u>
<u>Urgent Care Facilities</u>	<u>P</u>			<u>§141.0624</u>
<u>Zoological Parks</u>	<u>--</u>			
<u>Offices</u>				
<u>Business & Professional</u>	<u>P¹</u>			
<u>Government</u>	<u>P¹</u>			
<u>Medical, Dental, & Health Practitioner</u>	<u>P¹</u>			
<u>Regional & Corporate Headquarters</u>	<u>P¹</u>			
<u>Separately Regulated Office Uses</u>				
<u>Real Estate Sales Offices & Model Homes</u>	<u>--</u>			
<u>Sex Offender Treatment & Counseling</u>	<u>--</u>			
<u>Vehicle & Vehicular Equipment Sales & Service</u>				
<u>Commercial Vehicle Repair & Maintenance</u>	<u>--</u>			
<u>Commercial Vehicle Sales & Rentals</u>	<u>--</u>			
<u>Personal Vehicle Repair & Maintenance</u>	<u>--</u>			
<u>Personal Vehicle Sales & Rentals</u>	<u>--</u>			
<u>Vehicle Equipment & Supplies Sales & Rentals</u>	<u>--</u>			
<u>Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses</u>				
<u>Automobile Service Stations</u>	<u>--</u>			
<u>Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use</u>	<u>--</u>			
<u>Distribution and Storage</u>				
<u>Equipment and Materials Storage Yards</u>	<u>--</u>			
<u>Moving and Storage Facilities</u>	<u>--</u>			
<u>Distribution Facilities</u>	<u>--</u>			
<u>Separately Regulated Distribution and Storage Uses</u>				
<u>Impound Storage Yards</u>	<u>--</u>			
<u>Junk Yards</u>	<u>--</u>			

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Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Temporary Construction Storage Yards Located Off-Site</u>	--			
<u>Industrial</u>				
<u>Heavy Manufacturing</u>	--			
<u>Light Manufacturing</u>	--			
<u>Marine Industry</u>	--			
<u>Research & Development</u>	P			
<u>Testing Labs</u>	--			
<u>Trucking & Transportation Terminals</u>	--			
<u>Separately Regulated Industrial Uses</u>				
<u>Artisan Food and Beverage Producer</u>	L			<u>§141.1001</u>
<u>Cannabis Production Facilities</u>	--			<u>§141.1004</u>
<u>Hazardous Waste Research Facility</u>	--			<u>§141.1002</u>
<u>Hazardous Waste Treatment Facility</u>	--			<u>§141.1003</u>
<u>Marine Related Uses Within the Coastal Overlay Zone</u>	--			
<u>Mining and Extractive Industries</u>	--			<u>§141.1006</u>
<u>Newspaper Publishing Plants</u>	P ¹			<u>§141.1007</u>
<u>Processing & Packaging of Plant Products & Animal By-products Grown Off-premises</u>	--			<u>§141.1008</u>
<u>Very Heavy Industrial Uses</u>	--			<u>§141.1009</u>
<u>Wrecking & Dismantling of Motor Vehicles</u>	--			<u>§141.1010</u>
<u>Signs</u>				
<u>Allowable Signs</u>	P			<u>§157.0113</u> <u>§142.1292</u>
<u>Separately Regulated Signs Uses</u>				
<u>Community Entry Signs</u>	L			<u>§157.0113</u> <u>§141.1101</u>
<u>Comprehensive Sign Program</u>	N			<u>§157.0113</u> <u>§141.1103</u>
<u>Neighborhood Identification Signs</u>	N			<u>§157.0113</u> <u>§141.1102</u>
<u>Revolving Projecting Signs</u>	--			<u>§157.0113</u> <u>§141.1104</u>
<u>Signs with Automatic Changing Copy</u>	--			<u>§157.0113</u> <u>§141.1105</u>
<u>Theater Marquees</u>	N			<u>§157.0113</u>

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Use Categories/ Subcategories	<u>Any Floor of a Building Gaslamp Quarter Planned District</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	Additional Regulations
				<u>§141.1106</u>
Antique shops	P	—	—	
Art galleries	P	—	—	
Bakeries including combination retail/wholesale establishments	P	—	—	
Barber shops	P	—	—	
Beauty shops	P	—	—	
Bicycle shops	P	—	—	
Bookstores	P	—	—	
Boutiques	P	—	—	
Camera shops/photographic equipment, supplies and film processing	P	—	—	
Clothing stores	P	—	—	
Computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment	P	—	—	
Confectionaries (candy stores)	P	—	—	
Condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises	P	—	—	
Decorator and home accessory shops	P	—	—	
Delicatessens	P	—	—	
Drafting and blueprint services	P	—	—	
Drug stores	P	—	—	
Entertainment centers, either freestanding or operating in conjunction with any other permitted use	P	—	—	
Entertainment establishments, as defined in §33.1502 of the San Diego Municipal Code	P	—	—	§157.0111
Financial institutions	P	—	—	
Florists	P	—	—	
Food stores	P	—	—	
Furniture stores	P	—	—	
Hardware stores	P	—	—	

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Use Categories/ Subcategories	Any Floor of a Building Gaslamp Quarter Planned District	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Hobby shops	P	—	—	
Hotel lobbies	P	—	—	
Ice cream parlors	P	—	—	
Import and art objects stores	P	—	—	
Jewelry stores	P	—	—	
Locksmith shops	P	—	—	
Leather goods stores	P	—	—	
Luggage shops	P	—	—	
Medical appliance sales	P	—	—	
Music stores	P	—	—	
Office furniture and equipment sales	P	—	—	
Pawn shops	P	—	—	
Personal services	P	—	—	
Pet shops	P	—	—	
Photographic studios	P	—	—	
Post offices	P	—	—	
Radio and television studios	P	—	—	
Restaurants (excluding drive-in and drive-thru restaurants)	P	—	—	§157.0111
Retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries	P	—	—	
Shoe stores	P	—	—	
Shoe repair shops	P	—	—	
Shoe shine parlors	P	—	—	
Sporting goods stores	P	—	—	
Stationers and card shops	P	—	—	
Theaters	P	—	—	
Tobacco shops	P	—	—	
Travel agencies	P	—	—	
Variety stores	P	—	—	
Wedding shops	P	—	—	
Addressing, secretarial and telephone answering services	—	P	—	

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Use Categories/ Subcategories	Any Floor of a Building Gaslamp Quarter Planned District	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
Business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists)	—	P	—	
<i>Dwelling units</i>	—	P	—	
Electronic data processing, tabulating, and record keeping	—	P	—	
Funeral parlors	—	P	—	
Hotel guest rooms	—	P	—	
Labor unions and trade associations	—	P	—	
Lithography shops	—	P	—	
Medical, dental, biological, and x ray laboratories	—	P	—	
Newspaper plants	—	P	—	
Photographic equipment, supplies, and film processing in connection with wholesale uses only	—	P	—	
Private clubs, fraternal organizations, and lodges	—	P	—	
Wholesaling and warehousing	—	P	—	
Charitable organizations (nonprofit or otherwise) and accessory uses	—	—	P	
<i>Churches as an accessory use only</i>	—	—	P	
Museums	—	—	P	
Tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego	—	—	P	
Transitional housing facilities	—	—	L	§141.0313
<i>Permanent supportive housing</i>	—	—	L	§141.0313

Footnotes for Table 157-0110-A

¹ Only permitted above or below the first floor, excluding entrance lobbies.

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

(c) Specialized Uses in the *Public Right-of-Way*

~~Specialized uses in the *public right-of-way* which are consistent with the 1873-1930 era may be considered on all *streets* with the exception of Broadway. Specialized uses to be considered include sidewalk cafes and moveable encroachments such as flower stalls, newsstands, and shoe shine stands. Prior to the use of the *public right-of-way* for a specialized use, an encroachment permit shall be obtained in accordance with Chapter 12, Article 9, Division 7 of the San Diego Municipal Code. A clear separation of the encroachment area and the remainder of the sidewalk shall be provided. Encroachments shall not be allowed to extend out into the *public right-of-way* for more than half the width of the sidewalk from *property line* to curb.~~

- (1) Subsurface utility equipment located under the sidewalk shall utilize fill-type lids covered with matching sidewalk material. As an alternative to fill-type lids, for covers that are less than 31 inches by 49 inches in size, an applicant may instead propose ductile-iron, traffic-rated and slip-resistant vault lids, as determined by the City Engineer, that are painted or stained to match the color of the surrounding sidewalk materials.
- (2) The programming of multiple activities within a promenade in the Gaslamp Quarter Planned District may be permitted with a single annual Special Events Permit.

Items 31 and 32

§157.0111 Separately Regulated Uses

(a) Alcoholic Beverage Sales for On-Site Consumption

- (1) ~~Restaurants~~ Eating & Drinking Establishments which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption may provide alcoholic beverages for consumption on the *premises* by right.
- (2) A Neighborhood Use Permit shall be required for the restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available Eating & Drinking Establishments, bars, and Assembly and Entertainment uses that provide alcoholic beverages for consumption on the *premises* and do not offer made-to-order food products during all

business hours shall be required to obtain a Conditional Use Permit in accordance with Process Three.

- (3) Craft beverage producers may provide alcoholic beverages for consumption on the premises by right. For the purposes of this division, the term craft beverage producer means an establishment licensed by the California Department of Alcoholic Beverage Control to manufacture and sell alcoholic beverages, with production occurring on or off the premises and sales for on-site or off-site consumption.

(b) Alcoholic Beverage Sales for Off-Site Consumption

Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, in addition to applicable state and local regulations, except as provided in Section 157.0111(b)(7) below:

- ~~(1) — Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.~~

- ~~(2)(1)~~ Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an accessory use to the following primary uses:

- ~~(A) Delicatessens~~ Retail;
- ~~(B) Drug stores/convenience stores~~ Eating & Drinking Establishment;
- ~~(C) — Food and retail stores;~~
- ~~(D) — Restaurants; or~~
- ~~(E) — Micro breweries or brew pub.~~

- ~~(3)(2)~~ No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.

- ~~(4)(3)~~ No malt beverage products shall be sold in less than six-pack quantities per sale quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.

~~(5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the primary use.~~

~~(6)~~(4) 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.

(5) No more than 25% of the retail floor area shall be devoted to the display of alcoholic beverages.

~~(7)~~(6) After considering the facts presented in the application, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The conducting a public hearing, the Hearing Officer may grant exceptions to sections 157.0111(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing and if the Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division Sections 157.0111(b)(2)-(4) for establishments that are over 10,000 square feet, provide onsite security staff during all hours of operation, and dedicate no more than 10% of the retail floor area to the display of alcoholic beverages, upon making the following findings:

(A) ~~Entertainment uses or activities or amusement devices on the premises;~~ The request for the exception was provided in the public notice for the hearing; and

(B) ~~Hours of operation for sales of alcoholic beverages;~~ The proposed use and operations are compatible with existing and planned surrounding land uses.

~~(C) Security measures;~~

~~(D) Potential noise impacts to residential occupants; and~~

~~(E) Lighting, litter and nuisance abatement or any other special requirements for the premises.~~

(7) Craft beverage producers offering alcoholic beverages manufactured by the licensee for off-site consumption shall be subject to the regulations in Section 156.0315(b)(2).

(c) Live entertainment

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment. The provision of live entertainment shall comply with Chapter 3, Article 3, Division 15 of this Code, as applicable, and shall be subject to the following additional regulations and permits:

- (1) ~~Acoustic live entertainment~~ Any establishment may offer non-amplified performances by live musicians or similar performers as an accessory use up to 11:00 p.m., if the performance is not audible outside of the establishment.
 - (A) ~~Restaurants which offer made-to-order food products during all business hours may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.~~
 - (B) ~~Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.~~
- (2) ~~Non-acoustic live entertainment~~ Any establishment offering amplified performances within an enclosed building by live musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three.
 - (A) ~~Any establishment offering performances within an enclosed building by live non-acoustic musicians, disc jockeys, or patron dancing, shall obtain a Conditional Use Permit in accordance with Process Three. In lieu of a Conditional Use Permit, amplified live entertainment that is located entirely below the ground floor may be permitted with a Neighborhood Use Permit in accordance with Process Two.~~
 - (B) In lieu of a Conditional Use Permit, amplified live entertainment may be permitted with a Neighborhood Use Permit in accordance with Process Two if the premises also includes an active commercial use, such as restaurant or retail of consumer goods, along the entire ground-floor building façade for a depth of at least 50 feet.

~~(B)~~(C) If located upon or adjacent to a *premises* containing residential land uses the establishment shall provide a noise impact analysis for consideration before approval of the Conditional Use Permit. The noise impact analysis shall be prepared by a qualified acoustical engineer and shall evaluate potential noise and vibration impacts to the surrounding neighborhood.

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

(d) [No change in text.]

Item 20
§157.0115

Sidewalk Cafés and Streetaries

(a) Sidewalk Cafés

~~Sidewalk cafés shall comply with~~ In addition to the requirements of Sections 141.0621(a) and 157.0111(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines, and the Spaces as Places Design Manual, the following regulations apply to sidewalk cafés within the Gaslamp Quarter Planned District:

(1) A sidewalk café may exist only in conjunction with and adjacent to a street-level Eating & Drinking Establishment or craft beverage producer.

(2) The sidewalk café shall be used only for dining, drinking, and circulation.

(3) A railing 3’-6” in height or less must delineate the sidewalk café area; fences and solid walls are not permitted. The railing may be either permanently affixed or moveable; if it is moveable, it shall be affixed to the sidewalk while the sidewalk café is open for business.

(A) Railings shall be painted black and constructed of wrought or cast iron. Pickets shall be no more than ¾ of an inch in width and spaced at least 3 inches apart.

(B) Railing designs shall not contain any company branding or product logos.

(C) The railing cap may be a maximum of 4 inches wide and constructed out of unpainted stone, painted wrought iron, or wood with a natural finish or stain.

(D) The top rail shall be level and all vertical posts shall be plumb.

- (E) Large precast concrete or clay planters may be placed perpendicular to the building façade in lieu of a railing to separate café spaces from neighboring establishments. Neither the plantings nor the planter are permitted to rise above 3’-6” in height.
- (4) A minimum clear path of at least 8 feet must be maintained in the public right-of-way at all times. The clear path shall be measured from the outermost part of the café to the curb or the nearest obstruction. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, and similar objects. Recesses in the building façade may not be used to satisfy the clear path requirement. In no case will sidewalk cafés be allowed to extend into the public right-of-way for more than half the sidewalk width (distance from the building property line to the curb).
- (5) Swinging gates, cantilevered objects or any other obstructions that create an unsafe environment for the blind or physically disabled are not permitted.
- (6) All furniture shall comply with the following, to the satisfaction of the City Manager:
 - (A) Furnishings shall be limited to moveable chairs, tables, umbrellas, and heaters that are consistent with the architectural style and colors used on the building façade.
 - (B) Chairs and tables shall be made of high-quality wood or metal consistent with the style of the historic district.
 - (C) Table umbrellas that do not encroach into the public right-of-way and have a minimum of 7’-0” height clearance are permitted. Umbrellas are not permitted in cafés covered by awnings or canopies. Product or business advertising on umbrellas is prohibited.
 - (D) Plant material may be placed in moveable planting boxes or planted in the ground inside of the café area adjacent to the barrier.
 - (E) Moderately-sized lighting fixtures may be permanently affixed to the front of the main building.
 - (F) Signs (including A-frame signs), furniture, equipment, or other items furnished by businesses or building owners are not permitted in the sidewalk area out of the sidewalk café barrier.
 - (G) Food preparation stations, such as espresso carts, hot dog stands, or outdoor grills, and moveable or fixed outdoor

decorative displays that consume space in the sidewalk café, such as fountains, are not permitted.

(H) Sidewalk cafés shall not be used as storage. Stacking of heaters, umbrellas, or furniture is not permitted while the sidewalk café is not in use, and non-fixed furniture and amenities must be removed outside of business hours.

(7) The floor surface inside the café area shall not be modified or elevated. The finish height of the sidewalk inside the café area shall remain consistent with the sidewalk outside of the café.

(8) A Process Two Neighborhood Use Permit may be requested to deviate from the requirements in Sections 141.0621(a) and 157.0115(a).

(9) All components of a sidewalk café shall be removed if the adjacent street-level Eating & Drinking Establishment or craft beverage producer has been closed for a continuous period of six months.

(b) Streetaries

In addition to the requirements of Section 141.0621(b) and the Spaces as Places Design Manual, the following regulations apply to streetaries within the Gaslamp Quarter Planned District:

(1) Non-fixed furniture and amenities, including chairs, tables, heaters, and umbrellas, must be removed from the streetary outside of business hours.

(2) Streetaries shall not be used as storage. Stacking of heaters, umbrellas or furniture is not permitted while the streetary is not in use.

(3) The deck of the streetary shall be constructed of natural wood or composite plank decking in natural brown or red wood colors compatible with the historic brick used throughout the Gaslamp Quarter.

(4) A railing shall be provided along the perimeter of the streetary that shall be painted or stained black and constructed of horizontal wooden boards spaced 4 inches apart and 4 inch by 4 inch or 6 inch by 4 inch vertical wood posts. Solid backing is not permitted.

(5) Wood or metal planters that are stained or painted black or natural wood color may be placed within the perimeter of the streetary. Planters shall not exceed 36 inches in height, with real plant material not exceeding 42 inches in height at the time of planting.

(6) All furniture, including chairs, tables, heaters, and umbrellas, shall comply with the following, to the satisfaction of the City Manager:

- (A) Chairs and tables shall be made of high-quality wood or metal consistent with the style of the historic district.
- (B) All furnishings shall be moveable.
- (C) Colors shall be consistent with the historic preservation palette described in the Gaslamp Quarter Design Guidelines.
- (D) Umbrellas shall be in a freestanding base and shall not impede the pedestrian path of travel.
- (E) No branding or signage is allowed on any furniture, including umbrellas.
- (F) The following are not permitted: overhead structures, signs, banners, television screens, artificial plants, bamboo material, speakers, food preparation stations, grills and bars.
- (7) Along Fifth Avenue between L Street and E Street streetaries shall be allowed along all white, yellow, green, and unpainted curbs.
- (8) A Process Two Neighborhood Use Permit may be requested to deviate from the requirements in Sections 141.0621(b) and 157.0115(b).

Figure A

[No change in text.]