

**2026 Land Development Code Update – Downtown Draft**

\* Asterisk denotes an item added, deleted, or substantively changed since Nov. 5, 2025.

Number	Name of Item	Code Section(s)
1	Downtown: Rooftop Gardens	<a href="#">156.0302</a> <a href="#">156.0309(d)(4)</a>
2	Downtown: Permit Process for Development within the Coastal Zone Overlay	<a href="#">156.0307(b)(1)</a>
3	Downtown: Urban Open Space Bonus Clarification	<a href="#">156.0309(d)(2)</a>
* 4	This item was deleted.	
5	Downtown: Increasing Homeownership Opportunities	<a href="#">156.0309(d)(10)</a>
6	Downtown: Small Lot Development Incentive	<a href="#">156.0309(d)(11)</a>
7	Downtown: Increasing Middle Income Housing	<a href="#">156.0309(d)(12)</a>
8	Downtown: C Street Revitalization Bonus	<a href="#">156.0309(d)(14)</a>
9	Downtown: Preservation of Tree Canopy	<a href="#">156.0311(m)</a>
10	Downtown: Alternative Interim Uses	<a href="#">156.0302</a> <a href="#">156.0307(b)(2)</a> <a href="#">156.0307(b)(9)</a> <a href="#">156.0315(f)</a>
11	Downtown: Clarifying Applicable Development Regulations	<a href="#">156.0306</a>
12	Downtown: Clarifying When Certain Processes Apply	<a href="#">156.0308(b)(4)</a> <a href="#">156.0315(h)(1)</a>
13	Downtown: FAR Bonus Program Clarifications	<a href="#">156.0309(d)</a> <a href="#">156.0309(d)(1)-(6)</a> <a href="#">156.0309(d)(8)-(10)</a> <a href="#">156.0309(d)(13)</a> <a href="#">156.0309(d)(15)</a>
14	Downtown: Greenway Bonus Clarification	<a href="#">156.0309(d)(9)</a>
15	Downtown: Street Wall Exception for Pedestrian Entrances	<a href="#">156.0310(d)(1)(B)(iii)</a>
16	Downtown: Fill-Type Utility Lid Requirements	<a href="#">156.0311(c)</a> <a href="#">157.0110(c)(1)</a>
* 17	Downtown: Removing Non-Regulatory and Unnecessary Language	<a href="#">156.0311(k)</a> <a href="#">156.0315(j)</a> <a href="#">157.0102(b)</a> <a href="#">157.0103</a> <a href="#">157.0105(a)(1)</a>
18	Downtown: Live Entertainment Clarification	<a href="#">156.0315(c)</a>

<b>19</b>	Downtown: Programming Activities in Promenades	<a href="#">156.0315(c)(6)</a> <a href="#">157.0110(c)(2)</a>
<b>* 20</b>	Downtown: Reorganizing Development Regulations	<a href="#">157.0106</a> <a href="#">157.0107</a> <a href="#">157.0108</a> <a href="#">157.0109</a>
<b>21</b>	Downtown: Sidewalk Cafe and Streetary Design Regulations	<a href="#">157.0115</a>
<b>22</b>	Downtown: Downtown Community Plan Minor Amendments	Draft Downtown Community Plan
<b>* 23</b>	Downtown: Formatting, Reference, and Labeling Corrections	<a href="#">156.0307(b)(7)</a> <a href="#">156.0308(b)(2)</a> <a href="#">156.0308 - Table 156-0308-A</a> <a href="#">156.0308 - Table 156-0308-A Footnotes 3, 12, and 13</a> <a href="#">156.0309(b)</a> <a href="#">156.0309(d)(1)(B)(iv)</a> <a href="#">156.0309(d)(8)(A)-(C)</a> <a href="#">156.0309(d)(13)</a> <a href="#">156.0309(e)</a> <a href="#">156.0309(f)</a> <a href="#">156.0310(c)</a> <a href="#">156.0310(d)(1)(B)(v) and (vii)</a> <a href="#">156.0310(d)(1)(E)</a> <a href="#">156.0310(d)(3)</a> <a href="#">156.0310(e)</a> <a href="#">156.0310(g)</a> <a href="#">156.0310(j)</a> <a href="#">156.0311(h)(3)</a> <a href="#">156.0313(d)</a> <a href="#">156.0313(f)</a> <a href="#">156.0315(e)</a> <a href="#">157.0107(b)</a> <a href="#">157.0108(a)</a>
<b>24</b>	Downtown: Encroachments Clarification	<a href="#">156.0311(h)(3)</a>
<b>25</b>	Downtown: Use Table - Alignment with Citywide Code	<a href="#">157.0110 - Table 157-0110-A</a>
<b>* 26</b>	Downtown: Off-Site Alcohol Beverage Sales	<a href="#">156.0302</a> <a href="#">Table 156-0308-A</a> <a href="#">156.0315(a)</a> <a href="#">156.0315(b)</a> <a href="#">157.0111(a)</a> <a href="#">157.0111(b)</a>

27	Downtown: Outdoor Activities	<a href="#">156.0302</a> <a href="#">Table 156-0308-A</a> <a href="#">156.0310(h)</a> <a href="#">156.0315(e)</a>
28	Downtown: Transparency Alternative to Main Street Overlay	<a href="#">156.0307(b)(9)</a>
29	Downtown: Temporary Construction Yards	<a href="#">156.0308 - Table 156-0308-A</a>
30	Downtown: Traffic Calming at Garage Entrances	<a href="#">156.0313(j)</a>
31	Downtown: Limiting Reductions in Sidewalk Area for Vehicle Loading	<a href="#">156.0313(k)</a>
32	Downtown: Daytime Commercial Activation at Entertainment Venues	<a href="#">157.0111(c)</a>

**Items 1, 10, 26, and 27**

**§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. Alcohol beverage manufacturing can occur on or off the *premises*, and sales can be for on-site or off-site consumption.

*Cultural institution* or *cultural use* 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, and social or community events.

*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 a combination of landscaping and 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 *Setback* [No change in text.]

*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* 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, including the Downtown Design Guidelines and Centre City Streetscape Manual, 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, 23, and 28

### §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 as identified in Table 132-15A. The following Overlay Districts apply as illustrated in Figures C through N:

- (1) Coastal Zone Overlay (CZ). This ~~overlay district~~ 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~~ 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 within this Overlay District that earns an FAR bonus through any of the FAR bonus provisions of Section 156.0309(d), conforms with the Local Coastal Program, and satisfies the findings in Section 126.0708(a), 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 of the Land Development Code, and 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~~ 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, 23, 26, 27, and 29

### §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 following exceptions:

- (1) [No change in text.]
- (2) The *gross floor area of previously conforming ~~uses~~ land uses and structures* may be expanded up to 100 percent of the existing *gross floor area of structures* on the *premises* through a Process Two Neighborhood Use Permit.
- (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 and Repair Facilities, the *gross floor area of previously conforming land uses and structures* shall not be expanded.

<b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>												
<b>LEGEND:</b> 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												
<b>Use Categories/ Subcategories</b>	C	NC <sup>15</sup>	ER	BP	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	Additional Regulations	<i>MS/CS &amp; E Overlays<sup>15</sup></i>
<b>Public Park/ Plaza/Open Space</b> [No change in text.]	[No change in text.]											
<del><i>Placemaking on Private Property</i></del>	P	P	P	P	P	P	P	P	P	P		
<b>Agriculture through Community Gardens</b> [No change in text.]	[No change in text.]											

<b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>													
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<b>Use Categories/ Subcategories</b>	C	NC <sup>15</sup>	ER	BP	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	Additional Regulations	<i>MS/CS &amp; E Overlays<sup>15</sup></i>	
<b>Residential<sup>1</sup></b>													
<i>Rooming House</i>	L	L	L	L	L	L	--	--	L	--	<u>§113.0103</u>		
<i>Multiple Dwelling Units through Separately Regulated Residential Uses, Low Barrier Navigation Center [No change in text.]</i>	[No change in text.]												
<i>Living Units</i>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)( e)		
<i>Residential Care Facilities through Permanent Supportive Housing [No change in text.]</i>	[No change in text.]												
<b>Separately Regulated Institutional Uses</b>													
<i>Satellite Antennas</i>	L/ €	L/ €	L/ €	L/ €	L/€	L/€	L/€	L/€	L/€	L/€	§141.0405		
<i>Correctional Placement Centers through Cultural Institutions [No change in text.]</i>	[No change in text.]												
<i>Educational Facilities</i>	P	P	P	P	P	P	--	--	P	--	<u>§141.0407</u>	CS, E	
<i>Energy Generation &amp; Distribution Stations [No change in text.]</i>	[No change in text.]												
<i>Exhibit Halls &amp; Conventional Facilities</i>	--	--	--	--	C	--	C	C	C	--	<u>§141.0409</u>	E	
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	§156.0315(+)( g)		
<i>Homeless Facilities<sup>6</sup></i>	C	--	C	C	C	--	--	--	C	--	§141.0412 §156.0315(i)		
<i>Hospitals [No change in text.]</i>	[No change in text.]												

<b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>													
<b>LEGEND:</b> 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													
<b>Use Categories/ Subcategories</b>	C	NC <sup>15</sup>	ER	BP	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	Additional Regulations	<i>MS/CS &amp; E Overlays<sup>15</sup></i>	
Intermediate Care Facilities and Nursing Facilities	P	P	P	P	P	P	--	--	P	==	<del>§141.0413</del> <u>§141.0423</u>	CS, E	
Major Transmission, Relay or Communication Switching Station [No change in text.]	[No change in text.]												
<u>Placemaking on Private Property</u> <sup>5</sup>	<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	--	<del>§156.0315(i)</del> <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.]												
<b>Commercial Services</b>													
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	--	--	P	--		CS, E	
Assembly & Entertainment	P	P	P	P	P	--	--	--	P	P	<u>§141.0602</u>	CS, E	
With <i>Live Entertainment</i>	<del>N</del> <u>EL</u>	<del>N</del> <u>EL</u>	<del>N</del> <u>EL</u>	<del>N</del> <u>EL</u>	<del>N</del> <u>EL</u>	--	--	--	<del>N</del> <u>EL</u>	<del>N</del> <u>EL</u>	§156.0315(c)		
With <del>Outdoor Use Area</del> <u>Outdoor Use Area</u>	<del>L</del> <u>N</u>	<del>L</del> <u>N</u>	<del>L</del> <u>N</u>	<del>L</del> <u>N</u>	<del>L</del> <u>N</u>	--	--	--	<del>L</del> <u>N</u>	<del>L</del> <u>N</u>	§156.0315(d)		
Building Services through Eating & Drinking Establishments, <sup>14</sup> <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	<del>§156.0315</del> <u>(b)(2)</u>	MS, CS, E	

<b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>													
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<b>Use Categories/ Subcategories</b>	C	NC <sup>15</sup>	ER	BP	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	Additional Regulations	<i>MS/CS &amp; E Overlays<sup>15</sup></i>	
<i>Non-Bona Fide Eating Establishments w/ Alcohol [No change in text.]</i>	[No change in text.]												
<del><i>Brewery Tasting Rooms Craft Beverage Producer</i></del>	P	P	P	P	P	P	--	--	P	--	§156.0315(b)( <del>4</del> ) <u>(2)</u>	MS, CS, E	
<del><i>Brewpub Tasting Rooms</i></del>	P	P	P	P	P	P	--	--	P	--	§156.0315( <del>b</del> ) <u>(3)</u>	MS, CS, E	
With <del>Outdoor Use Area</del> <u>Outdoor Use Area</u>	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	--	--	<del>L</del> N	P	§156.0315(d)		
With <del>Live Entertainment</del>	<del>L</del> N E	<del>L</del> N E	<del>L</del> N E	<del>L</del> N E	<del>L</del> N E	<del>L</del> N E	--	--	<del>L</del> N E	--	§156.0315(c)		
<i>Mobile Food Trucks through Separately Regulated Commercial Service Uses, Child Care Facilities [No change in text.]</i>	[No change in text.]												
<del><i>Outdoor Activities</i></del>	<del>N</del> CP	<del>N</del> CP	<del>N</del> CP	<del>N</del> CP	<del>N</del> CP	<del>N</del> CP	--	--	<del>N</del> CP	<del>N</del> CP	§156.0315(e)	MS, CS	
<del><i>With Live Entertainment</i></del> <sup>5</sup>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	--	--	<u>C</u>	<u>C</u>	§156.0315(c)		
Parking Facilities (structure or surface) <sup>8</sup>	C	C	C	C	C	C	C	C	C	C	§156.0313	ES	
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	--	--	P	--	§141.0617		
<i>Pushcarts on private property through Recycling Facilities, Small and Large Processing Facilities [No change in text.]</i>	[No change in text.]												
Sidewalk Cafes, <sup>10</sup> Streetaries, and Active Sidewalks	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	<del>L</del> N	--	--	<del>L</del> N	<del>L</del> N	§141.0621		

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<b>Use Categories/ Subcategories</b>	C	NC <sup>15</sup>	ER	BP	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	Additional Regulations	<i>MS/CS &amp; E Overlays<sup>15</sup></i>	
<i>SRO Hotels</i> [No change in text.]	[No change in text.]												
<i>Urgent Care Facilities-Urgent Care Facilities</i>	P	P	P	P	P	P	--	--	P	--	§141.0624	CS, E	
<b>Offices<sup>(9)</sup> through Distribution and Storage, Moving &amp; Storage Facilities</b> [No change in text.]	[No change in text.]												
<b>Separately Regulated Distribution and Storage Uses</b>													
Temporary Construction <u>Storage Yards</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	<u>NL</u>	--	<u>§141.0903</u>		
<b>Industrial, Artisan Food and Beverage Producer<sup>12</sup> through Trucking and Transportation Terminals</b> [No change in text.]	[No change in text.]												
<b>Separately Regulated Industrial Uses</b>													
<del>Cannabis Production Facilities</del> <u>Cannabis Production Facilities</u>	-	-	-	-	-	-	-	-	-	-	<u>§141.1004</u>		
<b>Signs, Allowable Signs</b> [No change in text.]	[No change in text.]												
<b>Separately Regulated Signs Uses</b>													
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	141.1101 <del>§141.1104</del> <u>§141.1102</u>		
Reallocation of <i>Sign Area Allowance</i> through <b>Other Use Requirements</b> , Temporary Uses and <i>Structures</i> [No change in text.]	[No change in text.]												

**Footnotes for Table 156-0308-A**

<sup>1</sup> through <sup>2</sup> [No change in text.]

<sup>3</sup> For ~~hotels~~ hotels with 100 feet or more of *street frontage* along a ~~Main Street~~ Main Street, *active commercial uses* other than the ~~hotel~~ hotel lobby shall constitute at least ~~50%~~ 50 percent of the required *active commercial use* frontage.

<sup>4</sup> [No change in text.]

<sup>5</sup> ~~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.~~

<sup>6</sup> through <sup>11</sup> [No change in text.]

<sup>12</sup> Accessory retail sales or commercial uses that are accessible to the general public are required along a minimum 25 percent of any ~~street frontage~~ street frontage.

<sup>13</sup> Visitor Accommodation uses are allowed as part of a ~~mixed-use~~ mixed-use *development* that contains at least 80 percent residential uses and the *development* includes at least 90 percent of the base maximum *floor area ratio*.

<sup>14</sup> through <sup>15</sup> [No change in text.]

## Items 1, 3, 4, 5, 6, 7, 8, 13, 14, and 23

### §156.0309 ~~FAR~~ FAR Regulations and ~~TDRs~~ TDRs

(a) [No change in text.]

(b) ~~Development Permit FAR~~ Development Permit FAR

The approval and recordation of a *development permit* establishes the distribution of *gross floor area* within the *development*. The *development* may consist of one or more individually-owned *lots*, but the permitted *FAR* for any individual *lots* remain subject to the *FAR* limits within the *development* boundaries as defined by the *development permit*. If a *development* does not require a *development permit*, the distribution of *FAR* between the *lots* may be executed through the recordation of a legal covenant in a form approved by the City Manager and the City Attorney.

(c) [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 156.0309 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 Section 156.0309 and does not achieve or maintain the requirements of the *FAR bonus* provisions, as determined by the City Manager, the *record owner* shall purchase the equivalent *FAR bonus* through the *FAR Payment Bonus Program*.

(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) ~~through (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 (iii) [No change in text.]
- (iv) Affordable ~~housing units~~ dwelling units are not required to be distributed vertically throughout *floors* in high-rise *development*.
- (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~~Services,  
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%~~ 100 percent  
*density* bonus for micro-unit *development*, the *development*  
must first utilize other *FAR bonus programs* ~~bonus~~ bonus  
provisions as listed in Section 156.0309(d) to achieve a  
minimum *FAR bonus* ~~bonus~~ bonus of 3.0.

(2) ~~Urban Open Space~~ Public Spaces Incentive. *Development* that  
reserves a portion of their site for the *development* of ~~public~~ 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:~~ For the purposes of Section

156.0309(d)(2), amenities mean the components listed in the Amenities/Recreation Opportunities Table in Appendix D of the Parks Master Plan.

(A) The amount of *FAR bonus* shall be based on ~~the following~~ **criteria:**

- (i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points ~~per Appendix D of the Parks Master Plan~~ shall receive an *FAR bonus* of 2.0 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 applicant that provides new amenities or replaces existing amenities that achieve a minimum of 7 points in any existing public park or in any existing greenway or urban open space shall receive an FAR bonus of 4.0. The FAR bonus received under Section 156.0309(d)(2)(A)(vi) shall be transferable to any premises within the Centre City Planned District upon the execution of a certificate of transfer. Within the Downtown Community Planning Area, the addition or replacement 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 or their designee.

(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*~~*Eco-Roof Incentive*. ~~*Eco-roofs reduce storm water runoff, lower energy consumption, counter the increased heat of urban areas, and provide visual interest.*~~ To encourage landscaped and ecologically designed roof tops, ~~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*~~*bonus* of ~~0.5~~1.0 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.]

(D) At least one shade tree with a minimum 36-inch box size  
shall be provided on the roof top for every 5,000 square  
feet of roof area.

(5) ~~Employment Uses~~ Use Incentive. To encourage the *development of  
employment uses* in the Centre City Planned District, ~~a~~ an 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 ~~maintain~~ 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.
- (7) [No change in text.]
- (8) Sustainable ~~Building~~ 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) California Green Building ~~Standard~~ Standards Code (CALGreen): As adopted by the State of California, CALGreen includes voluntary performance tiers.  
*Development* that complies with CALGreen Tier II and provides a double row of canopy trees along each ~~street frontage~~ street frontage, triangulated with required street trees at the curb, shall receive an *FAR bonus* of 1.0.

- (B) ~~LEED®-LEED®~~: The US Green Building Council (USGBC) manages ~~LEED®-LEED®~~ Core & Shell and ~~LEED®-LEED®~~ for new construction. *Development* that provides a double row of canopy trees along each ~~street frontage~~*street frontage*, triangulated with required street trees at the curb, shall receive an *FAR bonus* of 1.0 if it also achieves ~~LEED®-LEED®~~ Silver certification, or an *FAR bonus* of 2.0 if it achieves a ~~LEED®-LEED®~~ Gold or higher certification.
- (C) *CC&Rs* shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn ~~a~~*an FAR Bonus*~~bonus~~. Prior to the issuance of any building permits the *applicant* shall provide a financial surety to ensure the timely completion of the *LEED®* certification process to the satisfaction of the City Manager. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED®* rating, to the satisfaction of the City Manager. If the *applicant* fails to submit documentation, equivalent payment shall be made to the *FAR Bonus* Fund.

- (9) ~~Greenways~~ Green Streets Incentive. Development located at any site within the Centre City Planned District that includes public improvements consistent with Section 156.0304(b)(3)(A) through (D), (B), or (C) shall be entitled to an FAR Bonus ~~bonus~~ of 2.0 or 4.0 ~~3.0 or 5.0~~ 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 maximum base FAR 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 accommodation uses. 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 15,000 square feet that utilizes any of the FAR bonus provisions in Section 156.0309(d)(1) through (10) and achieves at least 150 percent of the maximum base FAR 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 of the Land Development Code. 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~~ minimum *base 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 percent 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* prior to January 1, 2029.

(e) Exemptions from *FAR* Calculations

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

- (1) *Historical Buildings*. The *floor area* within the historic *building envelope* of any *designated historical resource* shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*, if the *designated historical resource* is preserved, rehabilitated, restored, or modified and the *development* results in no more than minor alterations to the *designated historical resource* consistent with the Secretary of the Interior’s Standards and Guidelines, or the *development* is approved through the Site Development Permit procedures, in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code. The *floor ~~area~~ area* within the historic *building envelope* may also be exempted from the *FAR* calculations if the *designated historical*

*resource* is reconstructed consistent with the Secretary of the Interior’s Standards and Guidelines as part of the *development*. Any remaining *FAR* on a *premises* containing a *designated historical resource* may be transferred to any other *premises* within the Downtown Community Planning Area. Appropriate *CC&Rs* shall be recorded to memorialize the reallocation of *FAR* on both *premises*.

(2) [No change in text.]

(3) ~~*Child Care*~~*Child Care*. All *floor* area that is dedicated to a *child care facility* in compliance with the requirements of Section 141.0606 shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.

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

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

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

(4) Permitted Transferable *Gross Floor Area*. The *gross floor area* that may be transferred shall be calculated as the permitted *gross floor area* based on the *sending site’s* size and permitted maximum *base FAR*, as illustrated in Figure H. For transfers involving *sending sites* in which the *applicant* enters into a maintenance agreement, where the ~~applicant~~*applicant* is identified as the responsible party for maintenance, to provide the long-term maintenance of the park in accordance with the Parks Master Plan,

the amount of permitted transferable *gross floor area* shall be increased by 50 percent.

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

(A) *Certificate of Transfer*. The ~~owner~~ record 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~~ record owner of the *sending site*) and transferees (~~owner(s)~~ record owner(s) of the *receiving site(s)* or the *TDR* bank) of the *gross floor area*.

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

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

(D) Property Deed. In addition to a *certificate of transfer*, the ~~owner(s)~~ record 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*,<sup>2</sup> the City shall not issue any building permits for that site unless the City Manager

has issued a written verification that the ~~owner~~ record owner of the *receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.

## Items 15, 23, and 27

### §156.0310 Development Regulations

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

(c) Building Height. The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structures* up to 30 feet high that conceal mechanical equipment and elevator and stair overruns are not included in the measurement of the building height if they do not project above a 45-degree plane inclined inward from the top of the parapet(s) of the nearest building wall(s). The maximum heights of buildings are illustrated in Figure F, with the following additional restrictions:

(1) Within the Little Italy Sun Access Overlay, ~~building height~~ 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) through (C) [No change in text.]

(2) [No change in text.]

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

**TABLE 156-0310-A: DEVELOPMENT STANDARDS**

[No change in text.]

(1) *Building Base*

(A) [No change in text.]

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

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

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

(iv) [No change in text.]

(v) Patios and balconies up to 10 feet in depth and in front of habitable space may qualify as *street wall* ~~must~~ shall be approved through the *design review*;

(vi) [No change in text.]

(vii) Side yard ~~setbacks~~ setbacks up to 5 feet in width  
may be approved through *design review*; or

(viii) [No change in text.]

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

(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~~ grades greater than 5 percent) subject to the following exceptions:

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

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

(2) [No change in text.]

(3) *Tower*

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

(D) *Tower Setback* from Public ~~Streets~~ 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) through (iii) [No change in text.]

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

(e) *Ground-floor* Heights

The minimum *ground-floor* height for buildings, measured from the average *grade* of the adjoining public sidewalk, in increments of no more

than 100 feet along a ~~street frontage~~frontage, to the finished elevation of the second *floor*, and for a depth of at least 15 feet, shall be the average of:

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

(f) [No change in text.]

(g) Residential *Development* Requirements

The following standards apply to residential *developments* that contain ~~fifty~~50 or more *dwelling units*:

(1) ~~Common Outdoor Open Space~~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 in each direction, or 40 feet between opposing building walls 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 OUTDOOR OPEN SPACE**

[No change in text.]

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

(h) *Outdoor Activities* Development Regulations

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

(i) [No change in text.]

(j) Refuse, Organic Waste, and ~~Recyclable Materials~~ Recyclable Materials

Storage

*Development* shall be subject to the Refuse, Organic Waste, and Recyclable Materials Storage Regulations in Sections 142.0805 through 142.0830, except that all storage areas shall be internal to the building and the minimum size requirements in Table 142-08B and Table 142-08C shall not apply. ~~Recyclable materials~~ Recyclable materials and organic waste storage areas, shall, at a minimum, be equal in size to the area provided for refuse storage.

**Items 9, 16, 17, 23, and 24**

**§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.

(1) 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*~~ 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.

(2) 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 propose ductile-iron, traffic-rated, and slip-resistant vault lids that are painted or stained

to match the color of the surrounding sidewalk materials, to the satisfaction of the City Engineer.

- (3) 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) Underground ~~encroachments~~ *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~~street tree planting.

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

(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 (ii) [No change in text.]

(iii) Buildings should be built to a maximum height of six *floors* or 80 feet to complement and transition the scale of the ~~ballpark~~PETCO Park 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) [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

For the purposes of Section 156.0311(m), 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 preserved mature tree.

*Development* shall provide at least one of the following for each *street frontage* where 50 percent 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*; or

(iii) Two trees for each mature tree removed, either onsite or at an offsite location within the Centre City Planned District.

## Items 23, 30 and 31

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

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

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

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

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

(e) [No change in text.]

(f) *Structured Parking* Facility Standards

All parking must be provided below-*grade*. Above-*grade* parking facilities may only be allowed if all of the following requirements are met:

(1) [No change in text.]

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

(A) *Development* shall include no less than 100 percent of the ~~Base Maximum Floor Area Ratio~~ maximum base FAR;

(B) [No change in text.]

(C) For each *street frontage* in which at least 50 percent of the above-*grade* parking is not encapsulated, one of the following shall be provided:

(i) [No change in text.]

(ii) *Living walls* on at least ~~30%~~ 30 percent of the above-*grade* parking along the *street frontage*; or

(iii) [No change in text.]

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

(H) All above-*grade* parking facilities directly abutting a public *street* shall exhibit level ~~floor~~ floor areas for a minimum distance of 40 feet from the *property line* to allow for future conversion to habitable uses.

(3) through (7) [No change in text.]

(g) [No change in text.]

(h) 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~~.

(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, such as a speed bump or rumble strip, 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%~~ 80 percent non-transparent.

(k) Passenger Loading Zones

The curb line shall not be moved 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, 23, 26, and 27**

**§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*.

Despite 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~~ Section 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) through (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 percent 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 *craft beverage producer* shall provide for on-site consumption of the products produced by the licensee.
- (B) ~~*An accessory If alcohol manufacturing operation must be operated occurs on the premises, off-site consumption sales shall be an accessory use to either the alcohol 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 *craft beverage producer* 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~~ the San Diego Municipal 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 or disc jockeys, or offering 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 Special Events, as defined in Section 22.4003, including live entertainment, within a promenade in the Centre City Planned District may be permitted with a single annual Special Events Permit, as defined in Section 22.4003.

(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 (9) [No change in text.]~~
- (10) Parking shall be provided in accordance with ~~section~~Section 156.0313. All required parking for the *living unit development* shall be available to residents only.
- ~~(11) 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~~ the Land Development 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~~ the Land Development Code. *Development that steps back a minimum of 15 feet from the building façade of a historical resource and is consistent with the Secretary of the Interior’s Standards and Guidelines shall be considered a minor alteration for the purposes of this review.*

(2) [No change in text.]

~~(g)~~ (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)~~ (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)~~ (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.]

**Item 17**

**§157.0102 Boundaries**

- (a) [No change in text.]
- (b) Asian Pacific Thematic Historic District Overlay

Several blocks in the Gaslamp Quarter Planned District fall within the boundaries of the Asian Pacific Thematic Historic District, ~~established by the City Council on October 13, 1987, by Resolution No. R-269475, and shown in Figure A. The Asian Pacific Thematic Historic District Master Plan, approved on August 15, 1995, by the Redevelopment Agency by Resolution No. 2544, and on file in the Office of the Secretary of the Agency as Document No. 02238, establishes design guidelines for the Asian Pacific Thematic Historic District.~~ All new construction modifications to contributing resources within the boundaries of the Asian Pacific Thematic Historic District shall be reviewed for consistency with the Secretary of the Interior’s Standards and Guidelines and the Asian Pacific Thematic Historic District Master Plan in conjunction with the provisions of this Article and the Gaslamp Quarter Planned District Design Guidelines. A copy of the Gaslamp Quarter Planned District Design Guidelines is on file in the office of the City Clerk as Document No. RR-306002. A list of contributing resources to the Asian Pacific Thematic Historic District can be found in Appendix A of the Gaslamp Quarter Planned District Design Guidelines.

## Item 17

### §157.0103 Administration

~~The City Manager is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District.~~ The City Manager, or ~~his or her~~ their designee, shall administer the Gaslamp Quarter Planned District

Ordinance as set forth in this Article and ensure compliance with the regulations and procedures of this Article, ~~the Gaslamp Quarter Planned District Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, and any other policies or guidelines~~ adopted by the City of San Diego to implement the Downtown Community Plan.

## Item 17

### §157.0105 Gaslamp Quarter Approvals and Permits

- (a) Approvals
  - (1) ~~In accordance with the process set forth in this Article, the~~ The City Manager’s or their designee’s approval, in accordance with Process One, is required prior to the commencement of any of the following activities, unless otherwise specified:
    - (A) through (K) [No change in text.]
  - (2) [No change in text.]
- (b) [No change in text.]

## Item 20

### §157.0106 ~~Removal of Damaged Historical Resources~~

~~If any designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the *record owner* may apply for a *development* permit to demolish the *historical resource*. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the *record owner* may apply for a permit to restore or reconstruct the *historical resource* in~~

~~accordance with the Secretary of the Interior’s Standards and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.~~

## Item 20

### ~~§157.0107~~§157.0106 Character of the Area

[No change in text.]

## Items 20 and 23

### ~~§157.0108~~§157.0107 ~~General Design-Development Regulations for New Buildings~~Non-Contributing Sites

For the purposes of this Division, non-contributing sites means sites that do not contain a contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines. The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any *development* for which a permit is applied under this Article. ~~Nothing in this Article shall preclude the use of any affordable housing *density* bonus programs identified in Chapter 14, Article 3, Division 7 of the Land Development Code so long as the *development* maintains consistency with the Secretary of Interior’s Standards for *historical resources*.~~

- (a) Building Height Regulations

~~Building heights in the Gaslamp Quarter Planned District are measured from the average *grade* of the adjoining public sidewalk grades, to the top of the parapet of the highest habitable floor.~~

~~Uninhabited roof *structures* that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front *property line* by at least 15 feet, are not visible from the *public right-of-way*, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a *public right-of-way*; up to a maximum height of 30 feet.~~

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

(3) Building height may be increased to a maximum of 101 feet on parcels 20,000 square feet or more or 125 feet on parcels 30,000 square feet or more subject to the following:

~~(A) The site contains no contributing *historical resource*.~~

~~(B)~~(A) The *development* shall not exceed an *FAR* of 6.0.

~~(C)~~(B) Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*.

~~(D) Additional stories comply with all applicable massing, architectural style, material use, articulation, setbacks, and fencing standards set forth in the Gaslamp Quarter Planned District Design Guidelines.~~

- (4) ~~Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more subject to the following:~~
- (A) ~~The maximum FAR shall not exceed 6.0;~~
  - (B) ~~Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*.~~
  - (C) ~~The site contains no contributing *historic resource*.~~
  - (D) ~~On sites containing any contributing *historic resource*, the *development* shall be approved in accordance with Process 5, provided that the City Council finds the *development* offers significant architectural, aesthetic, and community benefits to the Gaslamp Quarter Planned District.~~

(b) *Street Wall Requirements*

Buildings shall provide a continuous *street wall* plane and strong *street* edge definition at the *property line*.

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

- (3) Ground ~~floor~~ floor treatment shall have a traditional storefront character and pedestrian scale in the details.
- (4) ~~Façades~~ Building façades located along Fourth, Fifth, and Sixth Avenues shall incorporate at least one primary entrance from the *public right-of-way* within that ~~façade~~ building façade. A minimum of 60 percent of the ~~street~~ street-facing ~~building façades~~ building façades along Fourth, Fifth, and Sixth Avenues shall contain

storefronts allowing views of indoor space and direct access from the ~~street~~ street.

(c) ~~Floor-to-Floor~~ Floor-to-Floor Heights

- (1) The ground-~~floor~~ height shall be no less than 12 feet and no greater than 20 feet, measured from finish ~~floor~~ floor to finish ~~floor~~ floor.
- (2) The exterior façades must respect the ~~floor-to-floor~~ floor-to-floor heights typical of adjoining *structures*. A lesser ~~floor~~ floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.

(d) ~~Building Façade Design Criteria~~

- (1) ~~All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.~~
- (2) ~~The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.~~
- (3) ~~A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.~~
- (4) ~~Storefronts shall consist of large glass panels with bulkheads below.~~
- (5) ~~Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.~~

- (6) ~~Above the ground *floor*, the building shall contain the window openings which coincide with the horizontal floor bands and may be capped with a cornice.~~
- (7) ~~All windows above the ground *floor* shall have a longer vertical dimension than horizontal dimension and shall be punched into the wall plane, with the window glass set back a minimum of 4 inches from the outside plane.~~

(e) ~~Architectural Fabric and Materials~~

- (1) ~~The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall *building facade*.~~
- (2) ~~Reflective silver aluminum storefront window systems are not permitted.~~
- (3) ~~Frameless storefront systems are not permitted.~~
- (4) ~~Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.~~

(f) ~~Additional *Stories* Requirements~~

~~Additional *stories* are not permitted for *development* on sites that contain a contributing *historical resource*. Additional *stories* shall comply with the following criteria:~~

- (1) ~~The additional *stories* are limited to a flat roofed volume containing a maximum height of 26 feet. The height of the additional *stories* will be measured from the top of the adjacent building roof to the top of the highest additional *stories* parapet.~~

- (2) ~~The minimum setback for additional *stories* is 15 feet from any *building façade* adjoining a *public right-of-way*.~~
- (3) ~~At the maximum additional *stories* height of 26 feet, the volume shall be set back 30 feet from any *building façade* adjoining a *public right-of-way*.~~
- (4) ~~The volume shall be set back a minimum of 50 feet from any *building façade* adjoining Fifth Avenue *public right-of-way*.~~
- (5) ~~The parapet of all street facing *building facades* shall be solid and a minimum of 24 inches tall.~~
- (6) ~~Open grill fences and/or solid *screen* walls are allowed in the setback zone provided the following conditions are met:~~
  - (A) ~~Open grill fences (minimum 60 percent open) shall not exceed a height of 5 feet.~~
  - (B) ~~Solid *screen* walls shall not exceed a height of 4 feet.~~
  - (C) ~~No *fences* or *screen* walls are permitted within 8 feet of any *building façade* adjoining a *public right-of-way*.~~
- (7) ~~Any stair enclosures, mechanical equipment, or other equipment located on the roof of the additional *stories* volume shall be set back a minimum of 25 feet from any street-facing additional *stories* parapet, which is parallel to a *public right-of-way* rather than an interior property line.~~
- (8) ~~Mechanical equipment and enclosures must not occupy more than 30 percent of the additional *stories* roof area. The maximum height~~

~~for any mechanical equipment or enclosures atop the additional stories is 15 feet.~~

- (9) ~~All mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.~~

~~Refer to the Gaslamp Quarter Design Guidelines for specific guidelines and figures.~~

## Items 20 and 23

### ~~§157.0109~~§157.0108 **General Guidelines for Designated Historical Resources**Development Regulations for Sites with Contributing Buildings

- (a) General Considerations

Contributing buildings in the Gaslamp Quarter Planned District are those that have been individually designated or designated by the Historical Resources Board as part of the Gaslamp Quarter Planned District nomination to the National Park Service. Typical alterations of contributing buildings range from the repainting of façades or building elements to the construction of additions to the buildings. ~~The appendix~~ Appendix A of the Gaslamp Quarter Planned District Design Guidelines provides a comprehensive list of the contributing buildings in the Gaslamp Quarter Planned District. Refer to the San Diego Register of Historical Resources and the National Register of Historic Places for newly listed *historical buildings* and ~~resources~~ historical resources in the Gaslamp Quarter Planned District. Any proposed alterations to contributing ~~resources~~ buildings shall follow the appropriate Secretary of the Interior's

Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.

(b) [No change in text.]

(c) Additional stories on sites that contain a contributing building as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines shall comply with the following criteria:

(1) The minimum setback from the outside face of all street-facing building parapets along the Fifth Avenue public right-of-way shall be 50 feet.

(2) The minimum setback from the outside face of all street-facing building parapets along all other streets shall be 15 feet, and always within the ratio of at least 1.15 feet from the building parapet for every 1-foot increase in height.

(3) Additional stories must be contained in one flat-walled building volume. Stepped or terraced stories are prohibited.

(d) Historical Resources Board Review

Substantial alterations (as defined in Section 143.0250) to an historical resource or contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines, 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 Land Development Code. The substantial alterations shall comply with all

applicable *historical resources* mitigation measures listed in Appendix A of the Downtown Community Plan, and shall be reviewed by the Historical Resources Board in accordance with Sections 111.0206(d)(2) and 126.0504(b)(2).

(e) *Removal of Damaged Historical Resources*

If any *historical resource* or contributing building, as identified in Appendix A of the Gaslamp Quarter Planned District Design Guidelines, is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the *record owner* may apply for a *development permit* to demolish the *historical resource* or contributing building. The *development permit* shall be referred to the Historical Resources Board in accordance with Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the *record owner* may apply for a permit to restore or reconstruct the *historical resource* or contributing building in accordance with the Secretary of the Interior’s Standards and Guidelines and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and Historical Resources Board staff, may authorize the minimum amount of work necessary to protect the public health, safety, and welfare without a public hearing in accordance with Section 143.0214.

**Item 20**

**§157.0109**     **General Development Regulations**

The regulations contained in Section 157.0109 apply to all *development* in the Gaslamp Quarter Planned District. Nothing in this Article shall preclude the use of any housing *density* bonus programs in Chapter 14 of the Land Development Code or allowed by state law so long as the *development* maintains consistency with the Secretary of Interior’s Standards and Guidelines for *historical resources*.

(a) *Building Façade Design Criteria*

- (1) All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern that is characterized by a delineation of a building base, middle, and top.
- (2) The building base shall be defined by a projecting band, or articulated recess, or both, in a continuous horizontal direction across the *building façade*.
- (3) A kickplate or bulkhead that is a minimum of 12 inches and a maximum of 30 inches shall be included.
- (4) Storefronts shall consist of large glass panels with bulkheads below.
- (5) Storefront frames shall be set back 3 inches from the building surface. Glass panels shall be set back a minimum of 1 inch from the storefront frame.
- (6) Above the *ground-floor*, the building shall contain window openings that coincide with the horizontal floor bands and may be capped with a cornice.

(7) All windows above the ground-floor shall have a longer vertical dimension than horizontal dimension, and be punched into the wall plane with the window glass set back a minimum of 4 inches from the outside plane.

(b) Architectural Fabric and Materials

(1) The use of plaster shall be limited to 20 percent of the base and 60 percent of the overall building façade.

(2) Reflective silver aluminum storefront window systems are not permitted.

(3) Frameless storefront systems are not permitted.

(4) Permanent, temporary or retractable grates, grills or bars are not permitted on windows, doors or alcoves.

(c) The parapet of all street-facing building façades shall be solid and a minimum of 24 inches tall.

(d) Open grill fences, or solid screen walls, or both, are allowed in the stepback zone if all the following are met:

(1) Open grill fences shall be a minimum 60 percent open and not exceed 5 feet in height;

(2) Solid screen walls shall not exceed 4 feet in height; and

(3) Fences or screen walls shall not be permitted within 8 feet of any building façade adjoining a public right-of-way.

(e) Building heights are measured from the average grade of the adjoining public sidewalk grades to the top of the parapet of the highest habitable

floor. Uninhabited roof structures concealing mechanical equipment, elevators, or stair overruns are not included in the measurement of building height if they are set back from the front property line by at least 15 feet, not visible from the public right-of-way, and do not project above a 45-degree plane inclined inward from the top of the parapet(s) of any street wall adjoining a public right-of-way up to a maximum height of 30 feet.

- (f) Mechanical equipment and enclosures shall not occupy more than 30 percent of the roof area.
- (g) Mechanical equipment shall be fully screened from all views including from above, with solid walls or screens with a maximum of 50 percent transparency.
- (h) Development shall comply with applicable massing, architectural style, material use, articulation, set backs, and fencing standards in accordance with the Gaslamp Quarter Planned District Design Guidelines.

## Items 16, 19, and 25

### §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.

<b>Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS</b>				
<b>LEGEND:</b> 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				
<b>Use Categories/ Subcategories</b>	<b>Any Floor of a Building <u>Gaslamp Quarter Planned District</u></b>	<b>Only Above or Below the First Floor of a Building</b>	<b>Specialized Uses on Any Floor</b>	<b>Additional Regulations</b>
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	--	--	

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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	--	--	
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	--	--	

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Use Categories/ Subcategories	Any Floor of a Building <u>Gaslamp Quarter Planned District</u>	Only Above or Below the First Floor of a Building	Specialized Uses on Any Floor	Additional Regulations
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	--	
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	--	

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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 <i>accessory uses</i>	--	--	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
<b><u>Public Park/Plaza/Open Space</u></b>				
<u>Active Recreation</u>	P			
<u>Passive Recreation</u>	P			
<u>Natural Resources Preservation</u>	--			
<u>Park Maintenance Facilities</u>	P			
<u>Placemaking</u>	P			
<b><u>Agriculture</u></b>				
<u>Agricultural Processing</u>	--			
<u>Aquaculture Facilities</u>	--			

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<u>Dairies</u>	==			
<u>Horticulture Nurseries &amp; Greenhouses</u>	<u>P</u>			
<u>Raising &amp; Harvesting of Crops</u>	<u>P</u>			
<u>Raising, Maintaining &amp; Keeping of Animals</u>	==			
<b><u>Separately Regulated Agriculture Uses</u></b>				
<u>Agricultural Equipment Repair Shops</u>	==			
<u>Commercial Stables</u>	==			
<u>Equestrian Show &amp; Exhibition Facilities</u>	==			
<u>Open Air Markets for the Sale of Agriculture-Related Products &amp; Flowers</u>	<u>P</u>			<u>§141.0205</u>
<b><u>Residential</u></b>				
<u>Mobilehome Parks</u>	==			
<u>Multiple Dwelling Units</u>	<u>P</u> <sup>1</sup>			
<u>Rooming House</u>	<u>L</u> <sup>1</sup>			<u>§131.0112(a)(3)(A)</u>
<u>Shopkeeper Units</u>	<u>P</u>			
<u>Single Dwelling Units</u>	==			
<b><u>Separately Regulated Residential Uses</u></b>				
<u>Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Continuing Care Retirement Communities</u>	<u>L</u> <sup>1</sup>			<u>§141.0303</u>
<u>Employee Housing</u>	==			
<u>Fraternities, Sororities, and Dormitories</u>	<u>N</u> <sup>1</sup>			<u>§141.0305(c)-(e)</u>
<u>Garage, Yard, &amp; Estate Sales</u>	==			
<u>Guest Quarters</u>	==			
<u>Home Occupations</u>	<u>P</u> <sup>1</sup>			<u>§141.0308</u>

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<u>Interim Ground Floor Residential</u>	<u>N</u>			<u>§141.0309</u>
<u>Junior Accessory Dwelling Units</u>	<u>P</u>			<u>§141.0302</u>
<u>Live/Work Quarters</u>	<u>P<sup>1</sup></u>			<u>§141.0311</u>
<u>Low Barrier Navigation Center</u>	<u>L</u>			<u>§141.0317</u>
<u>Moveable Tiny Houses</u>	<u>=</u>			
<u>Permanent Supportive Housing</u>	<u>L</u>			<u>§141.0315</u>
<u>Residential Care Facilities</u>	<u>L</u>			<u>§141.0312</u>
<u>Student Housing</u>	<u>L<sup>1</sup></u>			<u>§141.0319</u>
<u>Transitional Housing</u>	<u>L</u>			<u>§141.0313</u>
<u>Watchkeeper Quarters</u>	<u>=</u>			
<b><u>Separately Regulated Institutional Uses</u></b>				
<u>Airports</u>	<u>=</u>			
<u>Battery Energy Storage Facilities</u>	<u>=</u>			
<u>Botanical Gardens &amp; 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>Electric Vehicle Charging Stations</u>	<u>P</u>			<u>§141.0419</u>
<u>Energy Generation and Distribution Stations</u>	<u>=</u>			
<u>Exhibit Halls &amp; 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>L<sup>1</sup></u>			<u>§141.0412</u>
<u>Hospitals</u>	<u>=</u>			
<u>Intermediate Care Facilities and Nursing Facilities</u>	<u>L<sup>1</sup></u>			<u>§141.0423</u>

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<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>§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>
<u>Wireless Communication Facilities</u>	<u>See §§141.0420 and 157.0118</u>			
<b><u>Retail Sales</u></b>				
<u>Building Supplies &amp; 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 &amp; Pet Supplies</u>	<u>P</u>			
<u>Sundries, Pharmaceuticals, &amp; Convenience Sales</u>	<u>P</u>			
<u>Wearing Apparel &amp; Accessories</u>	<u>P</u>			
<b><u>Separately Regulated Retail Sales Uses</u></b>				
<u>Agriculture Related Supplies &amp; Equipment</u>	--			
<u>Alcoholic Beverage Outlets</u>	<u>C</u>			<u>§157.0111(b)</u>
<u>Cannabis Outlets</u>	<u>C</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 &amp; Other Large Outdoor Retail Facilities</u>	<u>P</u>			<u>§141.0507</u>

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<b><u>Commercial Services</u></b>				
<u>Animal Grooming &amp; Veterinary Offices</u>	<u>P</u>			
<u>Assembly &amp; 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>§156.0302</u> <u>§156.0315(d)</u>
<u>Building Services</u>	<u>P</u>			
<u>Business Support</u>	<u>P</u>			
<u>Eating &amp; 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>§156.0302</u> <u>§156.0315(d)</u>
<u>Financial Institutions</u>	<u>P</u>			
<u>Funeral &amp; Mortuary Services</u>	<u>P<sup>1</sup></u>			
<u>Instructional Studios</u>	<u>P</u>			
<u>Maintenance &amp; Repair</u>	<u>P<sup>1</sup></u>			
<u>Off-Site Services</u>	<u>P<sup>1</sup></u>			
<u>Personal Services</u>	<u>P</u>			
<u>Radio &amp; Television Studios</u>	<u>P</u>			
<u>Tasting Rooms</u>	<u>P</u>			<u>§157.0111</u>
<u>Visitor Accommodations</u>	<u>P<sup>1</sup></u>			
<b><u>Separately Regulated Commercial Service Uses</u></b>				
<u>Adult Day Care Facility</u>	<u>P<sup>1</sup></u>			
<u>Adult Entertainment Establishments</u>	<u>--</u>			
<u>Assembly Uses, including Places of Religious Assembly</u>	<u>P</u>			<u>§141.0602</u>
<u>Bed &amp; Breakfast Establishments</u>	<u>P<sup>1</sup></u>			
<u>Boarding Kennels/Pet Day Care Facilities</u>	<u>L</u>			<u>§141.0604</u>

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<u>Camping Parks</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>Fairgrounds</u>	==			
<u>Golf Courses, Driving Ranges, and Pitch &amp; Putt Courses</u>	==			
<u>Helicopter Landing Facilities</u>	==			
<u>Massage Establishments, Specialized Practice</u>	<u>L<sup>1</sup></u>			<u>§141.0613</u>
<u>Mobile Food Trucks</u>	==			
<u>Parking Facilities (structure or surface)</u>	==			
<u>Private Clubs, Lodges and Fraternal Organizations</u>	<u>P<sup>1</sup></u>			<u>§141.0617</u>
<u>Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size</u>	==			
<u>Pushcarts on Private Property</u>	<u>L</u>			<u>§141.0619</u>
<u>Recycling Facilities</u>	==			
<u>Sidewalk Cafés, Streetaries, and Active Sidewalks</u>	<u>L</u>			<u>§141.0621</u> <u>§157.0115</u>
<u>Sports Arenas &amp; Stadiums</u>	==			
<u>SRO Hotels</u>	<u>P<sup>1</sup></u>			<u>§143.0510-</u> <u>§143.0590</u>
<u>Theaters That Are Outdoor or over 5,000 Square Feet in Size</u>	<u>P</u>			<u>§141.0623</u>
<u>Urgent Care Facilities</u>	<u>P</u>			<u>§141.0624</u>
<u>Veterinary Clinics &amp; Animal Hospitals</u>	<u>L</u>			<u>§141.0625</u>
<u>Zoological Parks</u>	==			
<b>Offices</b>				
<u>Business &amp; Professional</u>	<u>P<sup>1</sup></u>			

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<u>Government</u>	P <sup>1</sup>			
<u>Medical, Dental, &amp; Health Practitioner</u>	P <sup>1</sup>			
<u>Regional &amp; Corporate Headquarters</u>	P <sup>1</sup>			
<b><u>Separately Regulated Office Uses</u></b>				
<u>Real Estate Sales Offices &amp; Model Homes</u>	--			
<u>Sex Offender Treatment &amp; Counseling</u>	--			
<b><u>Vehicle &amp; Vehicular Equipment Sales &amp; Service</u></b>				
<u>Commercial Vehicle Repair &amp; Maintenance</u>	--			
<u>Commercial Vehicle Sales &amp; Rentals</u>	--			
<u>Personal Vehicle Repair &amp; Maintenance</u>	--			
<u>Personal Vehicle Sales &amp; Rentals</u>	--			
<u>Vehicle Equipment &amp; Supplies Sales &amp; Rentals</u>	--			
<b><u>Separately Regulated Vehicle &amp; Vehicular Equipment Sales &amp; Service Uses</u></b>				
<u>Automobile Service Stations</u>	--			
<u>Outdoor Storage &amp; Display of New, Unregistered Motor Vehicles as a Primary Use</u>	--			
<u>Vehicle Storage Facilities as a Primary Use</u>	--			
<b><u>Distribution and Storage</u></b>				
<u>Equipment and Materials Storage Yards</u>	--			
<u>Moving and Storage Facilities</u>	--			
<u>Distribution Facilities</u>	--			
<b><u>Separately Regulated Distribution and Storage Uses</u></b>				
<u>Impound Storage Yards</u>	--			

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<u>Junk Yards</u>	==			
<u>Temporary Construction Storage Yards Located Off-Site</u>	==			
<b><u>Industrial</u></b>				
<u>Heavy Manufacturing</u>	==			
<u>Light Manufacturing</u>	==			
<u>Marine Industry</u>	==			
<u>Research &amp; Development</u>	<u>P</u>			
<u>Testing Labs</u>	==			
<u>Trucking &amp; Transportation Terminals</u>	==			
<b><u>Separately Regulated Industrial Uses</u></b>				
<u>Artisan Food and Beverage Producer</u>	<u>L</u>			<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>	<u>P<sup>1</sup></u>			<u>§141.1007</u>
<u>Processing &amp; Packaging of Plant Products &amp; Animal By-products Grown Off-premises</u>	==			<u>§141.1008</u>
<u>Very Heavy Industrial Uses</u>	==			<u>§141.1009</u>
<u>Wrecking &amp; Dismantling of Motor Vehicles</u>	==			<u>§141.1010</u>
<b><u>Signs</u></b>				
<u>Allowable Signs</u>	<u>P</u>			<u>§157.0113</u> <u>§142.1292</u>
<b><u>Separately Regulated Signs Uses</u></b>				
<u>Community Entry Signs</u>	<u>L</u>			<u>§157.0113</u> <u>§141.1101</u>

<b>Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS</b>				
<b>LEGEND:</b> 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				
<b>Use Categories/ Subcategories</b>	<b>Any Floor of a Building <u>Gaslamp Quarter Planned District</u></b>	<b>Only Above or Below the First Floor of a Building</b>	<b>Specialized Uses on Any Floor</b>	<b>Additional Regulations</b>
<u>Comprehensive Sign Program</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1103</u>
<u>Neighborhood Identification Signs</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1102</u>
<u>Revolving Projecting Signs</u>	<u>==</u>			<u>§157.0113</u> <u>§141.1104</u>
<u>Signs with Automatic Changing Copy</u>	<u>==</u>			<u>§157.0113</u> <u>§141.1105</u>
<u>Theater Marquees</u>	<u>N</u>			<u>§157.0113</u> <u>§141.1106</u>

**Footnotes for Table 157-0110-A**

<sup>1</sup> 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 materials. As an alternative to fill-type lids, for covers that are less than 31 inches by 49 inches in size, an applicant may propose ductile-iron, traffic-rated and slip-resistant vault lids that are painted or stained to match the color of the surrounding sidewalk materials, to the satisfaction of the City Engineer.
- (2) The programming of multiple Special Events, as defined in Section 22.4003, within a promenade in the Gaslamp Quarter Planned District may be permitted with a single annual Special Events Permit, as defined in Section 22.4003.

## Items 26 and 32

### §157.0111 Separately Regulated Uses

- (a) Alcoholic Beverage Sales for On-Site Consumption
  - (1) ~~Restaurants which~~ Eating and drinking establishments that 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.
  - (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 and 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 obtain a Conditional Use Permit in accordance with Process Three.

(3) Craft beverage producers may provide alcoholic beverages for consumption on the premises. For the purposes of this Division, the term craft beverage producer has the same meaning as in Section 156.0302.

(b) Alcoholic Beverage Sales for Off-Site Consumption

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

(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~~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, and
- (B) ~~Drug stores/convenience stores;~~Eating & Drinking Establishments.
- (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 percent of the retail *floor* area shall be dedicated 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 ~~an~~ application for the Conditional

Use Permit during 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 Section 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 percent 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 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~~ the San Diego Municipal 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 or disc jockeys, or offering 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~~ 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 ~~Three~~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 a 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 21

### §157.0115 Sidewalk Cafes Cafés and Streetaries

#### (a) Sidewalk Cafés

~~Sidewalk cafes shall comply with~~ In addition to the requirements under 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 shall only be allowed in conjunction with and adjacent to a *street*-level eating and drinking establishment or craft beverage producer.
- (2) The sidewalk café shall only be used for dining, drinking, and circulation.
- (3) A railing 42 inches in height or less must delineate the sidewalk café area. *Fences* and solid walls are not permitted to delineate the sidewalk café area. The railing may be permanently affixed to the

sidewalk or moveable. If the railing 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  $\frac{3}{4}$  of an inch wide 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, or both, may be placed perpendicular to the *building façade* in lieu of a railing to separate sidewalk café spaces from adjacent establishments. Neither the plantings nor the planters are permitted to rise above 42 inches in height.
- (4) A clear path of at least 8 feet shall be maintained in the *public right-of-way* at all times. The clear path shall be measured from the outermost part of the sidewalk café to the curb or the nearest obstruction. Obstructions include traffic signals or *signs*, light standards, parking meters, bus stops, trash receptacles, benches, trees, and similar obstructions. Recesses in the *building façade*

may not be used to meet the clear path requirement. Sidewalk cafés shall not extend into the *public right-of-way* for more than half the sidewalk width as measured 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, as determined by the City Engineer, shall not be permitted.

(6) All furniture and appurtenances, including those identified in Sections 157.0113 and 157.0114, shall comply with the following to the satisfaction of the City Manager, and maintain ongoing compliance with the Gaslamp Quarter Planned District Design Guidelines under the oversight of the Gaslamp Quarter

Association:

(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 Gaslamp Quarter *Historical District*.

(C) Umbrellas that do not encroach into the *public right-of-way* and have a minimum of 7 feet in height clearance are permitted. Umbrellas shall not be permitted in sidewalk

cafés covered by awnings or canopies. Signs on umbrellas are prohibited.

(D) Plant material may be placed in moveable planting boxes or planted in the ground inside of the sidewalk café area adjacent to the railing or large precast planters.

(E) Moderately sized lighting fixtures may be permanently affixed to the front of the adjacent street-level eating and drinking establishment or craft beverage producer.

(F) Signs, including A-frame signs, furniture, equipment, or other items furnished by businesses or building owners shall not be permitted in the sidewalk area outside 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, shall not be permitted.

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

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

sidewalk café area shall remain consistent with the sidewalk  
outside of the sidewalk café area.

(8) All components of a sidewalk café shall be removed if the adjacent  
street-level eating and drinking establishment or craft beverage  
producer has been closed for a continuous period of six months.

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

(b) Streetaries

In addition to the requirements under 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, shall 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 Planned District.

- (4) A railing shall be provided along the perimeter of the streetary that shall be painted or stained black. The railing shall be constructed of horizontal wooden boards spaced 4 inches apart with vertical wood posts that are 4 inches by 4 inches or 6 inches by 4 inches. Solid backing for the railing shall not be 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 Gaslamp Quarter *Historical 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) Branding or *signs* shall not be allowed on any furniture, including umbrellas.

- (F) Overhead structures, signs, banners, television screens, artificial plants, bamboo materials, speakers, food preparation stations, grills and bars shall not be permitted.
- (7) Streetaries along Fifth Avenue between L Street and E Street 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).