

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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December 18, 2014

W27c**TO: Commissioners and Interested Persons****FROM: Sherilyn Sarb, Deputy Director, San Diego Coast District
Deborah Lee, District Manager, San Diego Coast District
Kanani Brown, Coastal Program Analyst III, San Diego Coast District****SUBJECT: City of San Diego Local Coastal Program Amendment No. LCP-6-CCP-14-0826-1 (2014 Civic San Diego Amendments) for Public Hearing and Commission Action at the January 7, 2015 Commission Meeting**

SYNOPSIS

The City of San Diego submitted Local Coastal Program (LCP) Amendment No. LCP-6-CCP-14-0826-1 to the Commission on August 11, 2014. The subject Implementation Plan (IP) amendment was deemed complete and filed on August 11, 2014. Pursuant to Section 30513 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP must be scheduled for a public hearing and the Commission must take action within 60 days of a complete submittal. However, pursuant to Section 30517 of the Coastal Act, the time limit for this amendment was extended for one year at the October 8, 2014 Commission hearing. As such, the last date for Commission action on this item is October 8, 2015. This report addresses only one part of the submittal; a separate report on the first part of the original submittal (LCP-6-SAN-14-0825) regarding two new industrial zones is also on the agenda for the January hearing.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego is requesting an amendment to the Centre City Planned District Ordinance (PDO) and Marina PDO, both of which are components of the IP portion of the City's certified LCP for the Centre City community planning area, otherwise known as downtown San Diego. The Centre City PDO modifications include minor changes to permitted uses and development standards, as well as other clarifications. The Marina PDO modifications include changes to organizational titles to reflect Centre City Development Corporation's new name – Civic San Diego. The purpose of the subject LCP amendment is to: simplify land development regulations; make land development regulations more objective and adaptable; eliminate redundancies and/or contradictions; and to increase predictability in the application of land development regulations downtown.

The effect of the proposed amendment will be limited, as the majority of the land in the Centre City community planning area within the Coastal Zone, including the land along the waterfront, is not under the coastal permit authority of the City of San Diego. Those areas west of the Mean High Tide Line are within the jurisdiction of the Port of San Diego and are covered by the certified Port Master Plan. Additionally, the County Administration Center is an area of deferred certification in the City's LCP and thus, remains within the coastal permit jurisdiction of the Commission at this time. Therefore, the only area within the City's permit jurisdiction covered by the subject LCP Amendment is the one to two-block wide, approximately two mile long area bounded by Harbor Drive on the south, Pacific Highway on the west, Laurel Street to the north, and Kettner Boulevard to the east as far north as Ash Street, and then California Street north of Ash Street. In addition, there is a small area in the southernmost portion of downtown that is also covered by the subject amendment – the area bounded by Commercial Street on the north, the Centre City Development Corporation boundary on the east (16th Street, Newton Avenue, Sigsbee Street, Harbor Drive, Beardsley Avenue), and generally Harbor Drive to the west ([Exhibit 1](#)). Although the City's coastal permit jurisdiction covers only a few blocks, the entire waterfront is shown in the City's LCP and given land use designations for planning purposes only.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval, as submitted, of the City of San Diego's proposed amendment to the IP portions (Centre City Planned District Ordinance and Marina Planned District Ordinance) of its certified LCP for the Centre City community planning area. The modifications to permitted uses and development standards for sidewalk cafes, pet open space areas, roof-top mechanical screening, outdoor activities, live entertainment, on-site alcohol sales, off-premises alcohol beverage sales, and residential off-street parking space requirements for affordable housing developments would not adversely impact coastal resources, including public access and recreation, visual resources, or biological resources.

The proposed allowance of non-active commercial uses for neighborhoods that are not adequately developed to support the required level of active commercial uses would only be permitted on a temporary basis and would only be applicable to one block within the Coastal Zone. However, development is already planned in this area as part of the North Embarcadero Visionary Plan, Navy-Broadway Complex project, and Lane Field project. Due to the existing and planned development for this area, non-active commercial uses would not be appropriate or permitted by the City since the neighborhood is adequately developed and active commercial uses would be economically viable. The City would continue to require active commercial uses on the ground-floor in this area. Therefore, the proposed LCP amendment is consistent with the certified Land Use Plan - the Downtown Community Plan. Furthermore, the subject LCP amendment is adequate to carry out the goals and policies of the Downtown Community Plan.

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 8.

BACKGROUND

For purposes of developing an LCP, the City of San Diego's Coastal Zone was divided into twelve segments, each with its own LUP. In the case of the Centre City community planning area, otherwise known as downtown San Diego, the Downtown Community Plan and Centre City Redevelopment Plan serve as the Land Use Plan (LUP) for the downtown area. The Centre City PDO, Marina PDO, and Five-Year Implementation Plan for the Centre City Redevelopment Plan serve as the City's IP for the downtown area. Altogether, these documents serve as the LCP for the City of San Diego's downtown area located within the Coastal Zone.

Once separate redevelopment projects, the Columbia, Marina, and Gaslamp Quarter Redevelopment Project areas were merged in 1992 to become the Centre City Redevelopment Project area and the corresponding Centre City Redevelopment Plan was adopted on May 11, 1992. As part of this comprehensive redevelopment project, the boundaries were extended to include East Village (formerly Centre City East), Little Italy (formerly Harborview), and Cortez Hill. Together, the Horton Plaza Redevelopment Project and the Centre City Redevelopment Project areas now encompass the entirety of downtown.

The 1992 Centre City Community Plan was adopted concurrently with the Centre City Redevelopment Plan as one component of the City of San Diego's General Plan and Progress Guide. The Centre City Community Plan outlines the objectives related to future development downtown, and defines planning policies for land use, housing, circulation, urban design, open space, and historic preservation.

The Centre City Community Plan and Centre City PDO were amended in 2004 upon adoption of the North Embarcadero Visionary plan, approved by the Commission on July 11, 2001. The North Embarcadero Visionary Plan was a result of a coordinated planning effort by the North Embarcadero Alliance, a planning body made up of officials from the Port District, City of San Diego, County of San Diego, Civic San Diego (former Centre City Development Corporation), and the U.S. Navy. The Alliance developed a Visionary Plan in 1998 to guide the development of the North Embarcadero area and the amendment implemented the Visionary Plan's design concepts and goals.

Most recently, on November 15, 2012, the Commission approved (LCP Amendment No. CCP-MAJ-4-11-B) adoption of a new Downtown Community Plan (that replaced the Centre City Community Plan) and Centre City PDO, as well as subsequent LCP amendments made by the City of San Diego in 2006, 2007, 2010, 2011, and 2012 to the Downtown Community Plan, Centre City Redevelopment Plan, Centre City PDO and Marina PDO.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-CCP-14-0826-1 may be obtained from Kanani Brown, Coastal Program Analyst III, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the Local Coastal Program (LCP) process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its Coastal Zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. While it is difficult to calculate the number of land use plan revisions or implementation plan modifications, because the amendments often involve multiple changes to a single land use plan segment or ordinance, the Commission has reviewed a significant number of both land use plan revisions and ordinance amendments. Most amendment requests have been approved, some as submitted and some with suggested modifications; further details can be obtained from the previous staff reports and findings on specific amendment requests.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present. (14 CCR § 13542.)

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and

City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment LCP-6-CCP-14-0826-1 for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment LCP-6-CCP-14-0826-1 for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The City of San Diego is requesting an amendment to the Marina Planned District Ordinance and Centre City Planned District Ordinance (PDO), both of which are components of the IP portion of the City's certified LCP for the Centre City community

planning area, otherwise known as downtown San Diego. The purpose of the subject LCP amendment is to: simplify land development regulations; make land development regulations more objective and adaptable; eliminate redundancies and/or contradictions; and to increase predictability in the application of land development regulations downtown. The Centre City PDO modifications include minor changes to permitted uses and development standards for downtown, including:

1. **Definitions** (Section 156.0302) – Add new definitions including “Live Entertainment” to include live performances by musicians or disc jockeys and/or the provision of dancing; and “Brewpub, Brewpub Tasting Room, and Brewery Tasting Room” which define businesses associated with breweries.
2. **Administration and Permits** (Section 156.0304) – Add new finding required for approval of a Planned Development Permit to ensure development is consistent with the Downtown Design Guidelines and exhibits superior architectural design.
3. **Land Use Districts** (Section 156.0307) – The allowance of non-active commercial uses through a Conditional Use Permit (CUP) for a period of up to ten years if it is found that a neighborhood is not adequately developed to support the required active commercial uses – 80% frontage for Main Streets, 60% frontage for Commercial Streets, and 40% frontage for other streets.
4. **Base District Use Regulations** (Section 156.0308) – Reduce permit process level from a Process Two Neighborhood Use Permit (NUP) to a Process One Limited Use for establishments that meet specific criteria established under the City-wide Sidewalk Café regulations. In addition, the minimum width for the clear path of travel for sidewalk cafes is reduced from eight feet to five feet, with a four-foot minimum clear path of travel in locations where the sidewalk width is constrained (e.g., north/south streets in the Little Italy neighborhood).
5. **Development Regulations** (Section 156.0310) – Increase required pet open space from 100 sq. ft. for every project over 50 dwelling units to 100 sq. ft. for every 200 dwelling units or a portion thereof. In addition, the proposed amendment gives the City the ability to waive the requirement for overhead screening of rooftop mechanical equipment for small condenser units through the Design Review Process.
6. **Separately Regulated Uses** (Section 156.0315) – Allowance of outdoor activities (community events, markets, and art events on vacant properties) through a Process Two NUP, unless live entertainment is proposed for more than six times a year (less than six times a year would be permitted by an administrative Temporary Use Permit). The proposed amendment also clarifies the definition of outdoor activities to allow small booths and other small structures without the need to comply with the PDO development standards.

The PDO currently requires a CUP and application fee of \$10,605 for any live entertainment (includes musicians, disc jockeys, and/or dancing) in order to

evaluate the potential to disrupt surrounding uses, especially residential uses. In order to provide relief to establishments wishing to offer accessory acoustic music to its patrons, the proposed amendment would allow the following: bona-fide eating establishments may have accessory non-amplified acoustical performances up to 11 PM as a limited use; non-bona-fide eating establishments, restaurants open beyond 11 PM and assembly/entertainment uses may offer live acoustical performances with a NUP; and all other establishments offering live entertainment, including live non-acoustic musicians, disc jockeys, patron dancing, and/or live entertainment located outside of an enclosed building must obtain a CUP.

Since 2006, the PDO has allowed bona-fide eating establishments to sell alcoholic beverages as long as food is served, but requires a CUP if the bar area remains open after the kitchen is closed or if the establishment is a wine bar or full bar without food. The proposed LCP amendment simplifies the On-Site Alcohol Sales regulations, as follows: bona-fide eating establishments may provide alcoholic beverages on the premises by right; non-bona-fide eating establishments, bars, assembly/entertainment uses, outdoor activities, and other similar commercial establishments that provide alcoholic beverages for consumption on the premises are required to obtain a NUP; and if any of the establishments listed above offer live entertainment, they are required to obtain approval of a NUP/CUP if required by live entertainment regulations, discussed above.

Finally, changes to the Off-Premises Alcohol Beverage Sales regulations are necessary to provide regulatory relief for the local craft brewery industry who have requested that additional provisions be adopted to allow for the off-site sale of small containers for their products, specifically seeking permission to sell smaller quantities such as single smaller 32-ounce growlers and single 22- or 16.9-ounce bottles. The proposed LCP amendment creates new business categories (Brewpub, Brewpub Tasting Room, Brewery Tasting Room) to clearly distinguish these businesses as having unique land-use characteristics and operating parameters from other restaurants and retail alcohol outlets (who may also wish to sell alcohol in smaller containers), and therefore have less potential to create adverse impacts of public drunkenness and crime.

7. **Parking, Loading, Traffic and Transportation Demand Management Standards** (Section 156.0313) – Modifications to Table 156-0313-A, Residential Off-Street Parking Space Requirements establishing downtown as a low-parking demand area for the purposes of calculating the reduced parking demand requirement for affordable housing developments under the Reduced Parking Demand Housing Regulations in the Land Development Code Chapter 14, Article 2, Division 5.
8. **Clean-up and Mapping** – Minor edits throughout the text to reflect name change from Centre City Development Corporation (CCDC) to Civic San Diego (CivicSD). Also, references to the Former Agency have been removed or

replaced with the City of San Diego. In addition, edits to Figures D, E, and G have been made to graphically correct the location of the proposed open space incorrectly shown on the block located at State, Union, B, and C streets to the block on Front, Union, B, and C streets consistent with Figures C and D and the maps in the Downtown Community Plan.

In addition to the Centre City PDO amendments, minor revisions to the Marina PDO are proposed to change references from Centre City Development Corporation (CCDC) to Civic San Diego (CivicSD) throughout the document.

The effect of the proposed amendment will be limited, as the majority of the land in the Centre City community planning area within the Coastal Zone, including the land along the waterfront, is not under the coastal permit authority of the City of San Diego. Those areas west of the Mean High Tide Line are within the jurisdiction of the Port of San Diego and are covered by the certified Port Master Plan. Additionally, the County Administration Center is an area of deferred certification in the City's LCP and thus, remains within the coastal permit jurisdiction of the Commission at this time. Therefore, the only area within the City's permit jurisdiction covered by the subject LCP Amendment is the one to two-block wide, approximately two mile long area bounded by Harbor Drive on the south, Pacific Highway on the west, Laurel Street to the north, and Kettner Boulevard to the east as far north as Ash Street, and then California Street north of Ash Street. In addition, there is a small area in the southernmost portion of downtown that is also covered by the subject amendment – the area bounded by Commercial Street on the north, the Centre City Development Corporation boundary on the east (16th Street, Newton Avenue, Sigsbee Street, Harbor Drive, Beardsley Avenue), and generally Harbor Drive to the west ([Exhibit 1](#)). Although the City's coastal permit jurisdiction covers only a few blocks, the entire waterfront is shown in the City's LCP and given land use designations for planning purposes only.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The majority of the proposed modifications to the Centre City PDO are minor in nature and do not raise any Coastal Act issues. The modifications to permitted uses and development standards for sidewalk cafes, pet open space areas, roof-top mechanical screening, outdoor activities, live entertainment, on-site alcohol sales, off-premises alcohol beverage sales, and residential off-street parking space requirements for affordable housing developments would not adversely impact coastal resources, including public access and recreation, visual resources, or biological resources. The proposed reductions to permit process levels would still require public participation through public noticing and the ability to appeal permit approvals, with the exception of Process One Limited Use Permits, which are only permissible for projects that meet specific criteria established in the LCP. In addition, the proposed clean-up and mapping modifications are necessary to ensure the PDO's consistency with the names, figures and maps in the Downtown Community Plan.

The only proposed change that has the potential to result in an inconsistency with the Downtown Community Plan is the addition of “alternative interim uses”. The Downtown Community Plan establishes eight distinct neighborhoods focused around Neighborhood Mixed-Use Centers, which are intended to be the focal shopping district of each neighborhood centered around a Main Street. In order to ensure that adequate shopping opportunities are created, active commercial uses (defined as retail, restaurant, and other similar uses that generate pedestrian activity) are required on the ground floor of buildings as follows: 80% of frontage on Main Streets, 60% of frontage on Commercial Streets, and 40% of frontage on other streets. Policy 3.1-P-3 of the Downtown Community Plan states:

To ensure vitality, develop concentrations of retail centers and streets as shown in Figure 3-7 with:

- *Required retail, restaurants, and other similar active commercial uses at the ground level along designated Main Streets.*
- *Required commercial (such as offices, live/work spaces, galleries, hotel lobbies, retail, or other business establishments) at the ground level along designated Main Streets.*
- *Limitations on retail in other areas in accordance with the designated Land Use Classification.*

However, the City contends that certain neighborhoods such as East Village may not be adequately developed to support such active commercial uses until the neighborhood matures and, rather than have retail space overbuilt and remain vacant, the proposed LCP amendment allows developers to place alternative interim uses in the spaces until the neighborhood can support the required active commercial uses. Alternative interim uses are defined as “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.” Alternative interim uses would only be permitted if a market study or other evidence clearly demonstrates that active commercial uses are not currently economically viable due to the level of development of the surrounding neighborhood. In addition, the building must be designed to accommodate active commercial uses in the future after the ten-year CUP term ends.

For the Commission, the requirement for “active commercial uses” also supports the establishment of activating uses that will promote a more pedestrian-oriented character, especially in near shore or visitor areas. Therefore, the Commission is sensitive to any revision of these requirements. However, based on Figures 3-7 and 7-1 in the Downtown Community Plan, alternative interim uses would only be allowed on one block in the Coastal Zone (on Broadway between Pacific Highway and Kettner Street). However, development is already planned in this area as part of the North Embarcadero Visionary Plan, Navy-Broadway Complex project, and Lane Field project. Thus, due to the existing and planned development for this area, alternative interim uses would not be appropriate or permitted by the City since the neighborhood is adequately developed and active commercial uses would be economically viable. Therefore, the City would continue to

require active commercial uses on the ground-floor in this area, consistent with the certified Downtown Community Plan.

The proposed changes to the Marina PDO are limited to the deletion of references to the former Centre City Development Corporation (CCDC) and replacement with the new Civic San Diego (CivicSD). These changes are non-substantive and consistent amongst the three planned district ordinances (Centre City, Gaslamp and Marina), as well as the Downtown Community Plan. Therefore, the proposed LCP amendment is consistent with and adequate to carry out the provisions of the City's certified Downtown Community Plan (LUP). The Commission therefore approves the proposed LCP amendment as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Secretary of the Resources Agency to be functionally equivalent to the EIR process and pursuant to CEQA section 21080.5, the Resources Agency certified the Commission's program. Thus, under CEQA Section 21080.5, the Commission, in its implementation of its certified regulatory program, is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, under CEQA section 21080.5(d)(2)(A), the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to not approve such a submittal if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment. At the local level, the City determined that the changes proposed in the subject amendment are adequately addressed in the environmental documents completed at the time of the original adoption of the Downtown Community Plan (2006 Final Environmental Impact Report for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan) and there is no change in circumstance, substantial additional information, or substantial project changes to warrant additional environmental review. In addition, the proposed amendment does not have the potential to result in significant adverse impacts to coastal resources. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment. Therefore, the Commission finds the amendment is consistent with CEQA section 21080.5(d)(2)(A).

**Figure 2-1
Downtown
Jurisdictional
Boundaries**

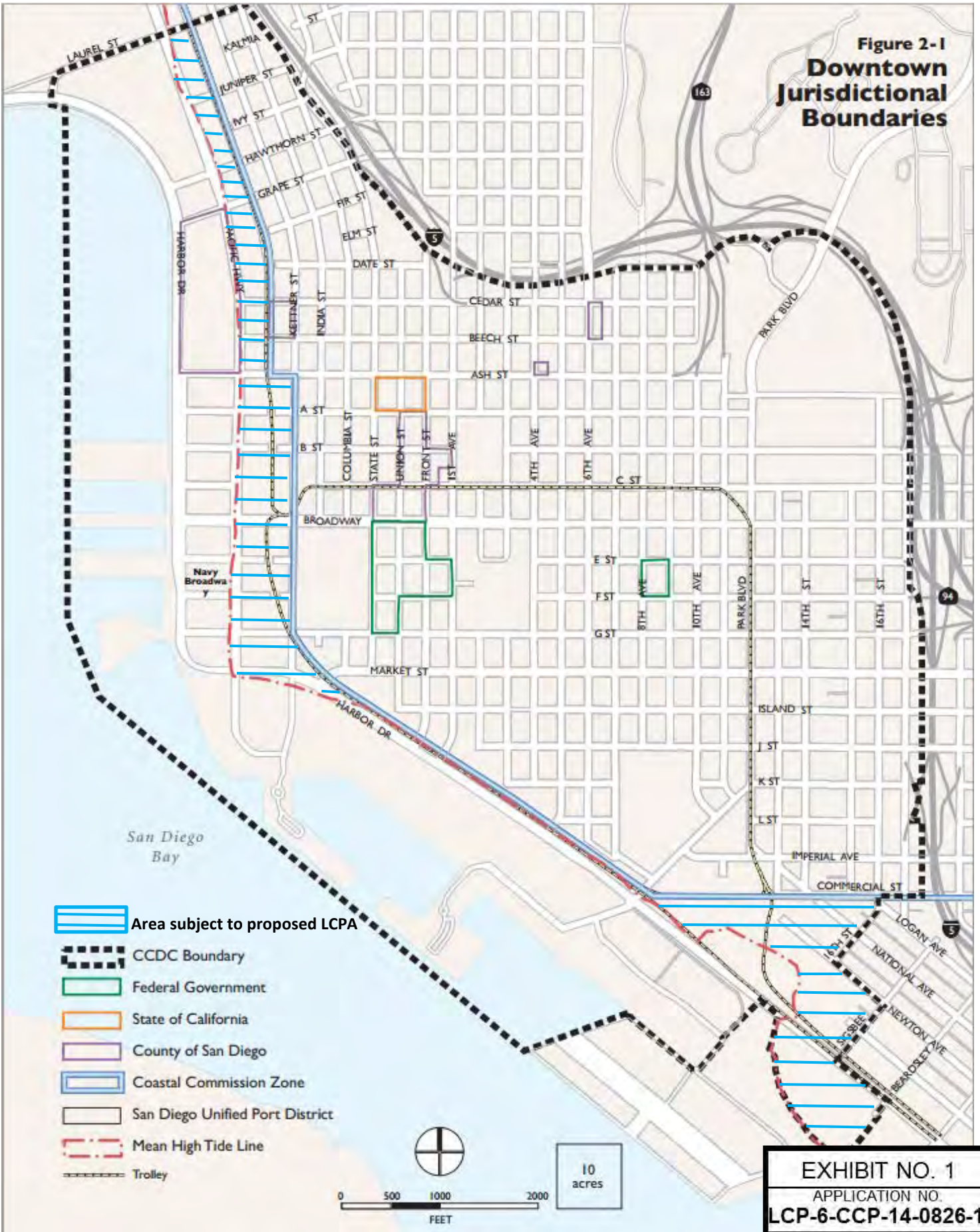


EXHIBIT NO. 1
APPLICATION NO.
LCP-6-CCP-14-0826-1
Jurisdiction Map
 California Coastal Commission

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302, 156.0303, 156.0304, 156.0305, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, 156.0315, AND FIGURES B, C AND D, ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE.

§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~~ this 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~~ this 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.

Bed and breakfast 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 Building materials~~ [No change in text.]

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

~~CCDC~~ means the Centre City Development Corporation.

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

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

~~Certificate of transfer~~ means a document prepared in a form acceptable to ~~CCDC~~

Civic San Diego and the City Attorney that is recorded to certify the *transfer of development rights* between sites.

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

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

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

Commercial streets through *Design Review* [No change in text.]

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

Employment uses through *Home occupations* [No change in text.]

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

Live entertainment means live performances by musicians, singers, dancers, disc jockeys, or similar entertainers, and may include dancing by customers of an establishment.

Living unit through *Outfield Park* [No change in text.]

Owner Participation Agreement (OPA) means an agreement that was executed between the former *Redevelopment Agency* and a property owner specifying terms of a redevelopment action as it affects the owner's property.

Pedestrian entrance through *Prescriptive Path* [No change in text.]

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

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

Public safety facility through *Urban open space* [No change in text.]

§156.0303 **Centre City Land Development Manual**

- (a) *CCDC Civic San Diego* may establish and adopt application submittal requirements, review procedures, and guidelines to implement this Article. These implementation documents shall be known collectively as the Centre City Land Development Manual (*CCDC Civic San Diego* Land Development Manual).
- (b) The *CCDC Civic San Diego* Land Development Manual may be amended on a quarterly basis or as needed to comply with revisions to local, state, or federal law. The *CCDC Civic San Diego* Land Development Manual may be amended in one of the following ways:
 - (1) Minor amendments shall be approved by the *CCDC Civic San Diego President* after considering public comments according to the process established in the *CCDC Civic San Diego* Land Development Manual. Minor amendments include changes to

clarify language or concepts, to reformat or reorganize language,
or to reflect new technology or techniques.

(2) Major amendments to the *CCDC Civic San Diego* Land Development Manual shall be approved in accordance with Process Five. Major amendments include the creation or elimination of a chapter or chapters or other changes that do not qualify as minor amendments as provided in Section 156.03023(b)(1).

(c) A copy of the *CCDC Civic San Diego* Land Development Manual shall be on file in the *CCDC Civic San Diego* offices.

(d) The *CCDC Civic San Diego* Land Development Manual includes, but is not limited to, the following:

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

§156.0304 Administration and Permits

(a) Administration

CCDC Civic San Diego is responsible for the administration of planning and zoning for the City of San Diego within the Centre City Planned District. The *CCDC Civic San Diego President* shall administer this Article to ensure compliance with the regulations and procedures of this Article, the Downtown Community Plan, *CCDC Civic San Diego* Land Development Manual, Centre City Streetscape Manual, and any policies or guidelines adopted by the City of San Diego or ~~Redevelopment Agency~~ to implement the Downtown Community Plan. The City Manager shall

administer the issuance of Zoning Use Certificates (ZUCs) in compliance with the land use classifications permitted in Table 156-0308A of this Division.

- (b) [No change in text.]
- (c) Overview of Decision Process

Applications for *development* within the Centre City Planned District shall be decided in accordance with one of the five decision processes described below. The type of *development* proposed in the application determines the applicable process.

(1) Process One

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

(2) Process Two

An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the ~~CCDC~~ Civic San Diego President in accordance with Section 112.0503 ~~of the Land Development Code~~. An

applicant or any person who has filed an application for appeal may appeal Process Two decisions in accordance with Section 112.0504 ~~of the Land Development Code~~, but Process Two appeals shall be considered by the ~~CCDC~~ Civic San Diego Board in lieu of the Planning Commission.

(3) Process Three

- (i) An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by the ~~CCDC~~ Civic San Diego Hearing Officer in accordance with Section 112.0505 ~~of the Land Development Code~~. *Applicants or interested persons* may appeal Process Three decisions in accordance with ~~s~~Section 112.0506 ~~of the Land Development Code~~, but Process Three appeals shall be considered by the ~~CCDC~~ Civic San Diego Board in lieu of the Planning Commission.
- (ii) Process Three Conditional Use Permits and Variances associated with a *development* requiring *Design Review* by the ~~CCDC~~ Civic San Diego Board under Section 156.0304(e)(1)(B) shall be considered by the ~~CCDC~~ Civic San Diego Board in lieu of the ~~CCDC~~ Civic San Diego Hearing Officer. The ~~CCDC~~ Civic San Diego Board's decision shall be final. Process Three Planned

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

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

(d) Existing *Development Approvals*

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

Where a *DDA* or *OPA* has been executed with the former *Redevelopment Agency* prior to May 3, 2006, *development permits* may be reviewed and issued according to the regulations and laws in effect at the time of former *Redevelopment Agency* approval of the *DDA* or *OPA* and shall be subject to the terms of such agreements as long as they are in effect.

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

Development permit applications which have been determined complete by ~~CCDG~~ Civic *San Diego*, ~~or for which serious negotiations have~~

~~commenced for a DDA or OPA, as indicated by execution of an Exclusive Negotiating Agreement (ENA), shall be processed and entitled pursuant to the regulations and laws in effect on the date the application is determined complete or ENA execution date.~~

(e) Centre City Development Permit Process

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

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

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

(i) *Development* with fewer than 100,000 square feet of *gross floor area* and fewer than 50 *dwelling units* shall be reviewed and approved by the ~~CCDC~~ Civic

San Diego President in accordance with Process

One.

- (ii) *Development* with at least 100,000 square feet of *gross floor area*, at least 50 *dwelling units*, or 85 feet in height or above shall be reviewed and approved by the ~~CCDC~~ Civic San Diego Board. The ~~CCAC~~ Downtown Community Planning Council, or other official ~~recognized~~ community planning group recognized by the City Council, shall also review the *development* and make a recommendation to the ~~CCDC~~ Civic San Diego Board.
- (iii) [No change in text.]
- (iv) The ~~CCDC~~ Civic San Diego Board and ~~CCAC~~ Downtown Community Planning Council or other ~~recognized~~ official community planning group recognized by the City Council, may establish advisory committees to make recommendations for consideration in the *Design Review* process.
- (C) Public Notice. Public notice shall be provided before a decision is made on an application for a permit in the Centre City Planned District in accordance with the following procedures:

- (i) [No change in text.]
 - (ii) *Development* proposals requiring *Design Review* approval by the ~~CCDC~~ Civic San Diego Board or approval by the City Council shall be noticed in accordance with Section 112.0302 ~~of the Land Development Code~~. A Notice of Application shall be mailed to the persons entitled to notice listed in Section 112.0302(b). Further notice shall also be provided to all persons requesting notice of review meetings or decisions.
 - (iii) [No change in text.]
- (D) Required *Findings*. A Centre City Development Permit may be granted if the decision-maker finds that the *development*, as submitted or modified, is consistent with the Downtown Community Plan, ~~Centre City Redevelopment Plan~~, Centre City Planned District Ordinance, ~~CCDC~~ Civic San Diego Land Development Manual, San Diego Municipal Code, and all other adopted plans or policies of the City of San Diego ~~or Redevelopment Agency~~ pertaining to the Centre City Planned District.
- (E) Permit Issuance. If the ~~CCDC~~ Civic San Diego President approves a Centre City Development Permit, the

application shall be referred to the ~~Development Services~~
~~Department~~ City of San Diego for any other action as
necessary. Denial of any Centre City Development Permit
requires the ~~CCDC~~ Civic San Diego President to issue
written findings of non-conformance with the provisions of
this Article, the Downtown Community Plan, ~~Centre City~~
~~Redevelopment Plan~~, or other applicable plans, policies, or
guidelines adopted to implement the Downtown
Community Plan.

(F) [No change in text.]

(2) *Development Review Progression*

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

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

quality of proposed materials, and three-dimensional images of the *development*.

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

- (B) Design Development Drawings. This submittal shall be a refinement of, and resolve issues identified at, the Basic Concept Drawings stage. Drawings shall include accurate site surveys, floor plans, elevations, sections, design details, and a palette of exterior colors and materials. Additional submittal requirements, such as pedestrian and vehicular circulation, landscape plans, provision for servicing, off-site improvement drawings, utility infrastructure, exterior architectural features, or urban design features, shall also be provided ~~upon request by~~ to the CCDC *Civic San Diego* President, upon request.

(C) [No change in text.]

(f) Centre City Planned Development Permit Process

The purpose of a Centre City Planned Development Permit is to provide flexibility in the application of *development* regulations for projects where

strict application of the *development* regulations would restrict design options and result in a less desirable project. Centre City Planned Development Permits shall be processed as follows:

(1) Decision Process. Centre City Planned Development Permits may be approved, conditionally approved, or denied in accordance with Process Three. The ~~CCDC~~ Civic San Diego Board shall serve as the decision maker for Process Three Centre City Planned Development Permits. The decision of the ~~CCDC~~ Civic San Diego Board may be appealed to the Planning Commission as specified in Chapter 12, Article 6, Division 5 of ~~the Land Development~~ this Code.

(2) Findings for a Planned Development Permit

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

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

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

(g) Revocation

If the ~~CCDC~~ Civic San Diego President determines there has been a violation of the terms of a permit issued pursuant to this division, the ~~CCDC~~ Civic San Diego President may issue a notice of intent to revoke. The notice of intent to revoke shall inform the permit or approval holder of the violation(s) and provide a reasonable time for compliance. If the

holder of the permit or approval fails to correct the violation(s) outlined in the notice of intent to revoke within the specified period of time, the ~~CCDC~~ Civic San Diego President may schedule a hearing to revoke or modify the permit or approval. Permit and approval revocation proceedings shall be conducted in accordance with the procedures set forth in Chapter 12, Article 1, of the ~~Land Development~~ this Code. Revocation or modification of an approval of the ~~CCDC~~ Civic San Diego President or *development permit* shall be in addition to any other remedies set forth in Chapter 12, Article 1 of the ~~Land Development~~ this Code.

(h) [No change in text.]

§156.0305 Rules of Calculation and Measurement

The Rules of Measurement provided in Chapter 11, Article 3, Division 2 of the ~~Land Development~~ this Code shall apply to the Centre City Planned District.

Gross floor area shall be calculated in accordance with Section 113.0234 of the ~~Land Development Code~~, with the following modifications:

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

(d) Notwithstanding Section 113.0234(d)(2), interior modifications involving the addition of actual *floor area* count as *gross floor area* except where:

(1) [No change in text.]

(2) The addition consists of a mezzanine that is within the *structural envelope* of a building and is less than ~~one-third~~ one-half of the *floor area* immediately below.

(e) [No change in text.]

§156.0306 **Other Applicable Planning, Zoning, and Development Regulations**

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

Chapter 11 through Chapter 15 [No change in text.]

Downtown Design Guidelines. The Downtown Design Guidelines supplement the regulations set forth in this Article and are intended to provide a best practice framework for the design of downtown's major streets, buildings, and public realm. The Downtown Design Guidelines are not regulatory but provide guidance to the design of new *development* and shall be utilized in the permit review processes outlined in Section 156.0304(e)(1)(A) and (B) and Section 156.0304(f).

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

- (a) Minor amendments to the Downtown Design Guidelines shall be approved by the ~~CCDG~~ Civic San Diego *President* and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-307143. Minor amendments include changes to clarify language or concepts, to reformat or reorganize language, or to reflect new technology or techniques.

(b) [No change in text.]

§156.0307 Land Use Districts

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

(a) Base Districts

The purpose of each base district is as follows:

(1) [No change in text.]

(2) Neighborhood Mixed-Use Center (NC). This district ensures *development* of distinctive centers around plazas, parks, and *main streets* that provide a focus to the neighborhoods by supporting a mix of residential and non-residential *developments* that contain *active commercial uses* on the ground *floor*.

A broad array of compatible uses, including retail, eating and drinking establishments, residential, office, educational, indoor recreation, and *cultural uses* are permitted. Building volume restrictions apply to allow sunlight to reach *streets* and public spaces, and design standards seek to establish pedestrian-oriented *development*. Within the NC District, a minimum of 40 percent of

~~the ground-floor frontage facing onto a public street frontage or public open space (except for Outfield Park) shall contain active commercial uses. A minimum of 80 percent of the ground-floor street frontage along main streets shall contain active commercial uses. Alternative Interim Uses may be permitted pursuant to Section 156.0315(e).~~

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

(b) Overlay Districts

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

(1) [No change in text.]

(2) Airport Approach Overlay Zone (AAOZ). This overlay district provides supplemental regulations for the properties surrounding the approach path for San Diego International Airport (SDIA) at Lindbergh Field, consistent with the Airport Land Use Compatibility Plan (ALUCP) most recently adopted by the San Diego County Regional Airport Authority. The heights of buildings in this overlay zone are regulated by Chapter 13, Article 2 of ~~the Land Development~~ this Code. *Applicants for development proposals that meet the Notice Criteria for the Federal Aviation Administration (FAA) Obstruction Evaluation shall submit a Determination of No Hazard to Air Navigation to the ~~CCDC~~ Civic*

San Diego President and the City Manager prior to issuance of a building permit.

- (3) [No change in text.]
- (4) *Commercial Street Overlay (CS)*. On *commercial streets*, a minimum of 60 percent of the *ground-floor street frontage* shall contain *active commercial uses*. Along the west side of Park Boulevard, a minimum of 40 percent of the *ground-floor street frontage* shall contain *active commercial uses*. Uses appropriate for *commercial streets* are identified in Table 156-0308-A, under *Main Street/Commercial Street* overlays. *Alternative Interim Uses may be permitted pursuant to Section 156.0315(e)*.
- (5) County Administration Center Design Zone Overlay (CAC). This overlay district ensures that new *development* surrounding the historic County Administration Center on Pacific Highway is sympathetic in scale, character, and height to this important landmark. New *development* shall conform to the Design Guidelines for the Pacific Highway–County Administration Center Design Zone on file in the ~~CCDC~~ *Civic San Diego* offices.
- (6) through (8) [No change in text.]
- (9) *Limited Vehicle Access Overlay*. No curb cuts are permitted on the streets designated on Figure E, except as provided in Section 156.0313(1)(4).

- (910) Little Italy Sun Access Overlay (LISA). The LISA District maintains adequate sunlight and air to sidewalks and residential areas of Little Italy, as designated in Figure F, during the winter solstice (on or about December 21) between 10:30 a.m. and 1:30 p.m. The LISA Overlay establishes a *building envelope*, as illustrated in Figure N, which applies to the whole block.
- (101) *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. *Alternative Interim Uses may be permitted pursuant to Section 156.0315(e).*
- (112) Park/Open Space Overlay (P). This overlay district identifies locations of existing and future public park park sites designated in the Downtown Community Plan.
- (123) Park Sun Access Overlay (PSA). This overlay district ensures adequate sunlight to future park sites designated in the Downtown Community Plan by controlling the height of new *development* to the south and west as illustrated in Figure M.
- (134) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use incompatibilities that could result from proximity to *sensitive*

receptors. Sensitive receptors are prohibited within the IB Overlay District.

§156.0308 Base District Use Regulations

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Commercial Services, Assembly & Entertainment [No change in text.]	[No change in text.]														
<u>With Live Entertainment</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	=	=	=	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	§156.0315(c)	
Commercial Services, With Outdoor Use Area through Commercial Services, Eating & Drinking Establishments [No change in text.]	[No change in text.]														
<i>Bona-Fide Eating Establishments</i>	[No change in text.]														
<u>Brewpubs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	§156.0315 (b)(2)	
Non-Bona-Fide Eating Establishments w/Alcohol	<u>EN</u>	<u>EN</u>	<u>EN</u>	<u>EN</u>	<u>EN</u>	<u>EN</u>	<u>-N</u>	--	--	<u>EN</u>	<u>EN</u>	--	<u>EN</u>	§156.0315 (ab)	MS, CS, E
<u>Brewery Tasting Rooms</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	<u>C</u>	§156.0315 (b)(4)	
<u>Brewpub Tasting Rooms</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	=	=	<u>N</u>	<u>N</u>	=	<u>N</u>	§156.0315 (b)(3)	
With Outdoor Use Area [No change in text.]	[No change in text.]														

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

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

Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
With Live Entertainment <u>Live Entertainment & Dancing</u>	<u>EL</u> / <u>N/C</u>	<u>EL</u> / <u>N</u> / <u>C</u>	<u>EL/N</u> / <u>L</u> / <u>C</u>	<u>EL/N</u> / <u>C</u>	<u>EL</u> / <u>N</u> / <u>C</u>	<u>EL</u> / <u>N</u> / <u>C</u>	--	--	--	<u>E</u> / <u>L/N/C</u>	<u>E</u> / <u>L/N/C</u>	--	<u>E</u> / <u>L/N/C</u>	§156.0315 (a)(c)	MS, CS, E
<u>Mobile Food Trucks</u>	[No change in text.]														
Commercial Services, Financial Institutions through Separately Regulated Commercial Service Uses, Instructional Studios [No change in text.]	[No change in text.]														
<u>Outdoor Activities</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	=	=	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	<u>N/C</u>	§156.0315(d)	<u>MS, CS</u>
Separately Regulated Commercial Service Uses, Parking Facilities (structure or surface)⁸ through Recycling Facilities, Small and Large Processing Facilities [No change in text.]	[No change in text.]														
Sidewalk Cafes ¹²	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	--	--	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	<u>L/N</u>	§141.0621	
Separately Regulated Commercial Service Uses, SRO Hotels through Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]														
<u>Outdoor Activities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	-	-	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>		MS,CS

Footnotes to Table 156-0308-A

1 through 2 [No change in text.]

3 ~~Up to 200 rooms permitted.~~ Requires active ground-floor uses along *street frontages*.

4 through 11 [No change in text.]

12 Sidewalk cafes permitted pursuant to Section 141.0621 may reduce the continuous pavement walkway clearance to a minimum of four feet when the face-of-curb to *property line* distance is twelve feet or less.

TABLE 156-0308-B:

MINIMUM AND MAXIMUM PERMITTED *ACTIVE COMMERCIAL USE*¹

[No change in text.]

§156.0309 *FAR* Regulations and *TDRs*

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

(e) *FAR* Bonuses

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

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

TABLE 156-0309-A: FAR BONUS

[No change in text.]

(1) [No change in text.]

TABLE 156-0309-B: FAR BONUSES (%)

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

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

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

(C) *CC&Rs* shall be recorded on the property providing for the *development* and on-going maintenance of the open space area to City standards in perpetuity. These provisions of the *CC&Rs* shall be approved by the *CCDC Civic San Diego President* and the City Attorney's Office.

(3) [No change in text.]

(4) *Eco-Roofs*. *Eco-roofs* reduce storm water run-off, lower energy consumption, counter the increased heat of urban areas, and provide visual interest. To encourage landscaped and ecologically designed roof tops, a *FAR bonus* may be earned based on the amount of *eco-roof* area. *Eco-roof* area only includes the planted or landscaped area that is designed to sustain and support vegetation. Documentation, drawings, and specifications must be provided to the *CCDC Civic San Diego President* prior to the issuance of a building permit that describes all plant varieties, soil depths, soil content, water retention systems, and supporting structural systems.

(A) [No change in text.]

(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 ~~CCDG~~ Civic San Diego President and the City Attorney's Office.

(C) [No change in text.]

(5) [No change in text.]

(6) Public Parking. One square foot of *FAR bonus* may be earned for every square foot of parking area made permanently available for public use. A public parking easement shall be executed for such facilities, with restrictions and covenants acceptable to ~~CCDG~~ Civic San Diego and the City of San Diego.

(7) [No change in text.]

(8) Green Building. The Centre City Green (CCG) Building Incentive Program awards *development* incentives for buildings that exceed the California Green Building Standards Code (CALGreen). Two different paths to earn an *FAR bonus* are available to *applicants* as follows:

(A) [No change in text.]

(B) *Prescriptive Path* allows *applicants* to select from a menu of green building options that improve performance in one or more CCG *Sustainability Indicators*. Each prescriptive measure is assigned a point value that represents the extent of impacts to the CCG *Sustainability Indicators*. Incentives earned depend upon the combined point total of the measures selected by the *applicant*. For specific details

about the green building options, see the CCG Submittal Manual adopted by the *CCDC Board* former Centre City Development Corporation Board on July 27, 2011 on file in the office of the City Clerk as Document No. OO-20117. Performance levels determine the extent of *FAR bonuses* and are based on total points earned within the *Performance Path* or *Prescriptive Path*. The *FAR Bonus* for both the *Prescriptive* and *Performance Paths* are summarized in Table 156-0309-C.

Table 156-0309-C: GREEN BUILDING FAR BONUS

[No change in text.]

(C) [No change in text.]

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

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

(G) *LEED*® Certification Performance Guarantee. *Applicants* requesting an *FAR Bonus* who propose to utilize the *Performance Path* through *LEED*® certification shall, prior to issuance of any building permits, provide a financial surety, deposit, or other suitable guarantee

approved by the *CCDC Civic San Diego President* and the City Attorney's Office to ensure that the *applicant* completes the *LEED®* certification for the *development* as proposed to obtain an *FAR Bonus* under this Section.

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

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

amount of payment shall be calculated according to the following formula:

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

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

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

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

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

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

(f) Exemptions from *FAR* Calculations

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

- (1) [No change in text.]
 - (2) Public Uses. If a *development* incorporates a building or portion of a building that is owned by the City of San Diego, ~~the~~ ~~Redevelopment Agency~~, or a public *school* district, and it is utilized for a public purpose such as a community recreation center, fire station, public *school*, or other similar public use as determined by the ~~CCDG~~ Civic San Diego *President*, the *floor* area of that public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*.
 - (3) Public Parking. Above-*grade* parking areas permanently available for public use shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. A public parking easement shall be executed for such facilities with restrictions and covenants acceptable to ~~CCDG~~ Civic San Diego and the City of San Diego.
 - (4) [No change in text.]
 - (5) *Cultural Uses*. Any *floor* area provided within a *development* that is dedicated to a *cultural use* or other similar use as approved by the ~~CCDG~~ Civic San Diego *President*, shall not be counted as *gross floor area* for the purposes of calculating the *FAR* for the *development*. *CC&Rs* shall be recorded on the property ensuring the use of such space for similar *cultural uses* in perpetuity.
- (g) *Transfer of Development Rights (TDR)* Program

- (1) [No change in text.]
- (2) Eligible Sites. Eligible *receiving sites* are those sites identified in Figure K. Eligible park *TDR sending sites* are those sites identified as future *public park* sites in the Downtown Community Plan and in Figure C. Eligible *historical resource TDR sending sites* must contain a *designated historical resource* and qualify under either (A) or (B) below:

(A) [No change in text.]

(B) The *historical resource* is in need of preservation, rehabilitation, or restoration and the ability to transfer *gross floor area* is needed to assist in the funding of such preservation, rehabilitation, or restoration. In order to qualify as a *sending site*, the *applicant* must submit a study acceptable to the *CCDC Civic San Diego President* verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source.

The *CCDC Civic San Diego President* has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion, upon recommendation from *CCDC Civic San Diego*, to approve a transfer of *gross floor area* to a *TDR bank* to be maintained and tracked by the *CCDC Civic San Diego*

President on behalf of the City. The amount of *gross floor area* approved for transfer shall be determined based on the permitted transferable *gross floor area*, the extent of the rehabilitation and preservation costs needed for the *historical resource*, and the potential for appropriate future *development* on the *sending site* to achieve the goals and policies of the Downtown Community Plan and this Section.

- (3) [No change in text.]
- (4) Allowable Transfers. All of the allowable *gross floor area* on a *sending site* may be transferred in its entirety, to a single *receiving site* or entity, or in separate increments to several *receiving sites* in accordance with the procedures of Section 156.0309(g)(7). *Gross floor area* may be transferred either directly from the owner of the *sending site* to the owner of a *receiving site*, or to a *TDR bank* maintained and tracked by the ~~CCDC~~ Civic San Diego *President* on behalf of the City. The City may acquire the *gross floor area* from the owner of a *sending site* and maintain such *gross floor area* for subsequent transfers to *receiving sites*.
- (5) through (6) [No change in text.]
- (7) Procedures. The following procedures are required for any transfer of *gross floor area*:
 - (A) [No change in text.]

- (i) [No change in text.]
- (ii) Execution and acknowledgement of the transfer of the *gross floor area* by the transferor of the *gross floor area*, all parties with record title interest in the real property of the *sending site*, the transferees of the *gross floor area*, and the ~~CCDC~~ Civic San Diego President.
- (iii) through (iv) [No change in text.]
- (B) Approval by ~~CCDC~~ Civic San Diego President. The ~~CCDC~~ Civic San Diego President shall not execute the *certificate of transfer* if a transfer of the *gross floor area* would be prohibited by any provision of ~~the San Diego Municipal~~ this Code.
- (C) Recordation. Each duly executed and acknowledged *certificate of transfer* containing the information required by this Section shall be recorded in the County Recorder's office. The County Recorder shall be instructed to mail the original *certificate of transfer* to ~~CCDC~~ Civic San Diego, with copies to both the transferor and transferee of the *gross floor area*.
- (D) [No change in text.]
- (E) Approval for *Development*. When the use of *TDR* is necessary for the approval of a building permit for a

*development on a receiving site, the City shall not issue any building permits for that site unless the ~~CCDC~~ Civic San Diego President has issued a written verification that the owner of the *receiving site* is entitled to the amount of *gross floor area* for the *development* based on a recorded *certificate of transfer*.*

§156.0310 Development Regulations

- (a) [No change in text.]
- (b) Minimum Building *Setbacks*. The ~~CCDC~~ Civic San Diego President may require up to a 10-foot interior *property line setback* where a *development* is adjoining an existing residential *development* to maintain minimum provisions for light and air.
- (c) Building Height. The overall height of a building shall be measured from the average of the highest and lowest *grades* of the site to the top of the parapet of the highest habitable *floor*. Uninhabited roof *structure* 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) [No change in text.]
 - (A) through (B) [No change in text.]

(C) Street walls Along one each side of a building, ~~a street wall~~ may be increased to a maximum height of 85 feet along a maximum of 40 percent of the building frontage to provide required Fire Department access. The building shall then *stepback* to comply with the *building envelopes* described in Sections 156.0310(c)(1)(A)-(B).

(2) through (3) [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) ~~Public parks or plazas~~ Urban open space subject to the Downtown Design Guidelines;

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

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

TABLE 156-0310-B: VIEW CORRIDOR STEPBACKS

[No change in text.]

(2) through (3) [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 *development street* frontage, to the finished elevation of the second *floor*, shall be the average of:

(1) [No change in text.]

(2) 15 feet, ~~but not less than 13 feet~~, for buildings containing ground-*floor* non-residential uses; and

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

(f) [No change in text.]

(g) Residential *Development* Requirements

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

(1) [No change in text.]

TABLE 156-0310-C: COMMON OUTDOOR OPEN SPACE

[No change in text.]

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

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

(5) Pet Open Space. Each *development* shall provide a minimum area of 100 square feet for every 200 dwelling units, or portion thereof, improved for use by pets and clearly marked for such exclusive use. Such areas shall include permeable surfaces, a hose bib, and be drained to the public sewer system (except for *at-grade* lawn areas).

(h) Outdoor Activities Development Regulations

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

§156.0311 Urban Design Regulations

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

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

(e) *Blank Walls*

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

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

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

(f) [No change in text.]

(g) Rooftops

(1) [No change in text.]

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

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

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

- (1) [No change in text.]
- (2) Oriel Windows. Oriel windows are subject to the following standards:
 - (A) [No change in text.]
 - (B) The maximum width of any oriel window is 12 feet. Such windows must be horizontally separated by at least 6 feet. ~~Oriel windows may extend vertically no more than 50 feet continuously.~~
 - (C) through (F) [No change in text.]
- (3) Other Projections. Additional *encroachments* such as awnings, canopies, ~~and *marquees*, and *architectural projections*~~ may be permitted in accordance with Chapter 14, Article 2, Division 12 of the Land Development this Code. ~~An awning or non-horizontal element that wraps a building corner may be approved by the *CCDC President* in accordance with Process One upon finding that it provides a direct public benefit.~~
- (4) [No change in text.]
- (i) through (l) [No change in text.]

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

- (a) [No change in text.]

TABLE 156-0313-A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

Use Category	Minimum	Notes
<i>Dwelling units through Transitional Housing Facilities*</i>	[No change in text.]	[No change in text.]
<u>Affordable Housing Developments</u>	<u>See Section 142.0527</u>	<u>Developments within the Centre City Planned District shall utilize the Low Parking Demand (L) Category for the purposes of calculating the Reduced Parking Demand Housing Parking Ratios identified in Table 142-05D in Section 142.0527.</u>

*[No change in text.]

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

(b) [No change in text.]

TABLE 156-0313-B

NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

(c) [No change in text.]

TABLE 156-0313-C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

[No change in text.]

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

(f) Below-Grade Parking

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

- (1) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the ~~CCDC~~ Civic San Diego *President* may approve an exception to the below-*grade* parking requirements upon finding that below-*grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites proven to be significantly impacted by the underground water table, the ~~CCDC~~ Civic San Diego *President* may approve an exception to the below-*grade* parking requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

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

(g) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces, unless the conversion is from commercial to residential use. The proposed conversion of a building to a residential use or the expansion of any building that cannot meet the parking requirements may be granted a deviation from the parking requirements by the ~~CCDC~~ Civic San Diego *President* upon approval

of a Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2 of the ~~Land Development~~ this Code.

(h) [No change in text.]

(i) Surface Parking *Lot* Standards

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

(1) [No change in text.]

(2) For sites without an approved Centre City Development Permit or for parking *lots* improved and operated for a period of over two years, the following standards shall apply in addition to those listed above for temporary surface parking *lots*:

(A) Along all public *street frontages*, a minimum 36-inch high black or green vinyl-coated chain link *fence* is required.

The *fence* shall provide pedestrian gaps at intervals of no more than 100 feet.

(B) [No change in text.]

(3) [No change in text.]

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

(n) ~~Centre City~~ Centre City Cumulative Trip Generation Rates

Centre City Trip Generation Rates are as specified in the ~~CCDC~~ Civic San Diego Land Development Manual and City of San Diego Land Development Manual, Appendix N.

(o) [No change in text.]

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

[No change in text.]

§156.0314 Sign Regulations

(a) *Sign Regulations*

(1) Application

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

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

TABLE 156-0314-A: LOGOS AND LETTERING

[No change in text.]

(4) Ballpark Mixed-Use District *Signs*

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

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

~~Development~~ this Code. *Signs* that do not comply with all the requirements of the Land Development Code may be approved with a comprehensive *sign* plan. All comprehensive *sign* plans (except *sign* plans for *PETCO Park*, *Outfield Park* and *mixed-use development* directly adjacent thereto) within the Ballpark Mixed-Use District, may be approved, conditionally approved, or denied by ~~CCDC~~ Civic San Diego in accordance with Process Three and such *sign* plans shall be consistent with the following objectives:
(A) through (D) [No change in text.]

§156.0315 Separately Regulated Uses

(a) On-Site Alcohol Beverage Sales

The sale of alcoholic beverages for on-site consumption shall be subject to the following regulations and permits, in addition to applicable state and local regulations:

- (1) *Bona-fide eating establishments* that have offer made-to-order food ~~available~~ during all business hours may provide alcoholic beverages on the *premises* by right ~~subject to applicable state and local regulations. No additional permit is required.~~
- (2) ~~Establishments engaged in the sale of alcoholic beverages for on-site consumption without the sale of made-to-order food products shall be required to obtain a Conditional Use Permit in accordance with Process Three.~~

- (2) Non bona-fide eating establishments, bars, assembly and entertainment uses, outdoor activities and other similar commercial establishments that provide alcoholic beverages for consumption on the premises shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.
- (3) ~~Establishments engaged in the sale of alcoholic beverages for on-site consumption in conjunction with live entertainment and/or dancing shall be required to obtain a Conditional Use Permit in accordance with Process Three. Such uses shall comply with the following:~~
- (A) ~~All entertainment, as defined by Section 33.1502 of the San Diego Municipal Code, must comply with all City of San Diego permits and regulations. If applicable, San Diego Police Department Regulatory Permits shall be obtained;~~
 - (B) ~~Sound and amplification equipment shall be monitored during business hours, noise shall not disturb adjacent land uses, and noise shall remain at acceptable levels in accordance with the noise abatement and control regulations of Chapter 5, Article 9.5 of the San Diego Municipal Code; and~~
 - (C) ~~Applicants for establishments where live entertainment or dancing is proposed within the same building as, or immediately adjacent to, residential uses, shall provide an~~

~~acoustical study prepared by a qualified acoustical engineer that evaluates potential impacts to the residential occupants. Based on the results of the acoustical study, appropriate mitigation measures may be required.~~

- (4) ~~If any of the uses described in 156.0315(a)(2) and (3) are located within a *hotel* or *motel*, are enclosed completely within the building, and are accessed solely through the *hotel* or *motel* lobby area, they shall be permitted by right.~~
- (5) ~~Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off site consumption Conditional Use Permit shall apply:~~
- (A) ~~No wine or distilled spirits shall be sold in containers of less than 750 milliliters.~~
 - (B) ~~No malt beverage products shall be sold in quantities of less than a six pack or 64 ounces per sale.~~
 - (C) ~~Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the establishment.~~
 - (D) ~~No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m. of each day of the week.~~

- (E) ~~After conducting a public hearing, the CCDC Hearing Officer may approve exceptions to 156.0315(a)(5)(C) or (D)(b)(1)(C) or (D) upon making the following findings:~~
- (i) ~~The request for an exception was provided in the public notice for the hearing; and~~
 - (ii) ~~The proposed use and operations are compatible with existing and planned surrounding land uses.~~

(b) Off-Site Alcohol Beverage Sales

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

- (1) Establishments offering alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three, and shall be subject to the following regulations, except as provided in Sections 156.0315(b)(2), (3) and (4) below:

- (A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.
- (B) No malt beverage products shall be sold in quantities of less than a six-pack of 12-ounce bottles or other containers totaling a minimum of 64 ounces.
- (C) No alcoholic beverages shall be sold except between the hours of 10:00 a.m. and 10:00 p.m.

- (D) After conducting a public hearing, the Hearing Officer may approve exceptions to 156.0315(b)(1)(C) upon making the following findings:
- (i) The request for an exception was provided in the public notice for the hearing; and
 - (ii) The proposed use and operations are compatible with existing and planned surrounding land uses.
- (2) Brewpubs offering alcoholic beverages manufactured by the business 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.
 - (B) An accessory alcohol manufacturing operation must be operated on the premises.
 - (C) 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) 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).

- (3) Brewpub tasting rooms offering alcoholic beverages manufactured by the business for off-site consumption as an accessory use shall be required to obtain a Neighborhood Use Permit in accordance with Process Two, subject to the following regulations:
- (A) 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 required to obtain a Conditional Use Permit in accordance with Process Three, subject to the following regulations:
- (A) The gross floor area of the establishment shall not exceed 5,000 square feet.
 - (B) The establishment shall provide for on-site consumption of the products manufactured by the business.

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

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

(c) Live entertainment

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

(1) Acoustic live entertainment

(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

- (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) 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) Hotels and motels offering live entertainment in an area completely enclosed within the building and accessed solely through the lobby area are not subject to Section 156.0315(c)(1) or (2), if the live entertainment is not audible outside of the building.
- (4) Live entertainment located outside of an enclosed building
- (A) Establishments offering live entertainment outside of an enclosed building shall obtain a Conditional Use Permit in accordance with Process Three. 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 noise and vibration impacts to the surrounding neighborhood.

(5) Sound and amplification equipment associated with live entertainment shall conform to the noise abatement and control regulations of Chapter 5, Article 9.5 of this Code.

(d) 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.

(e) 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 126.0113, but shall not exceed an additional ten-year period.

(b) *Living Units.*

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

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

- (4) A complete bathroom is not required in every *living unit*. However, a private toilet must be provided and be screened from the remainder of the unit.
- (5) Each *living unit* that is not provided with a private shower or bathtub must be served by a shared shower or bathtub. Shared bathing facilities must be provided at a ratio of at least one facility for every five units, or fraction thereof, which lack private bathing facilities. Each shared bathing facility must be on the same *floor* as the units it is intended to serve, must be directly accessible from a common area or hallway, and must have an interior lockable door.
- (6) Each *living unit* must be pre-wired for phone and cable television service.
- (7) Each *living unit development* shall include common interior space at a ratio of 5 square feet per *living unit*, with a minimum of 200 square feet per *development* or per individual common interior space if multiple spaces are provided with a single *development*. The indoor space shall be furnished to allow for meetings, indoor recreation (active or passive), or entertainment.
- (8) Each *living unit development* shall contain one *living unit* occupied by a resident manager.
- (9) Each *living unit development* shall contain either:
 - (A) a front desk with a full view of the entry area, staffed 24 hours a day, seven days a week; or

- (B) an operational outdoor entry intercom system connected to the manager's unit and each *living unit*.
- (10) Parking shall be provided in accordance with section 156.0313. All required parking for the *living unit development* shall be available to residents only.
- (11) Each *living unit* occupancy and rent shall be restricted to those persons with household income at or below 80 percent of area median income as published by the California Department of Housing and Community Development for San Diego County, as adjusted for a one-person household. The *development* owner shall enter into an agreement with the City of San Diego Housing Commission for the review and enforcement of such restrictions.
- (12) Relocation Requirements: *Living units* are subject to the regulations contained in ~~Land Development Code~~ Chapter 14, Article 3, Division 5 of this Code for Single Room Occupancy (*SRO*) hotels. The San Diego Housing Commission shall be responsible for enforcement of the tenant notice relocation assistance requirements.

(eg) *Historical Resources*

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

(1) Minor Alterations

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

(2) Substantial Alterations

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

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

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

- (1) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.
 - (2) The use of the *historical resource* shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.
 - (3) The *historical resource* shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historical appearance in accordance with Chapter 14, Article 3, Division 2 of ~~the Land Development~~ this Code.
 - (4) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the *historical resource* in accordance with Historical Resources Regulations unless the *development* is approved through ~~the a~~ a Site Development Permit or Neighborhood Development Permit ~~procedures~~ in accordance with Chapters 11 through 14 of ~~the Land Development~~ this Code.
- (e) *Social Services Institutions, Transitional Housing or Homeless Facilities Applicants* for a Conditional Use Permit for a *social services institution, transitional housing* or a homeless facility may request a modification to the standard *development* regulations, including separation requirements, found in Chapter 14 of ~~the Land Development~~ this Code. Any such

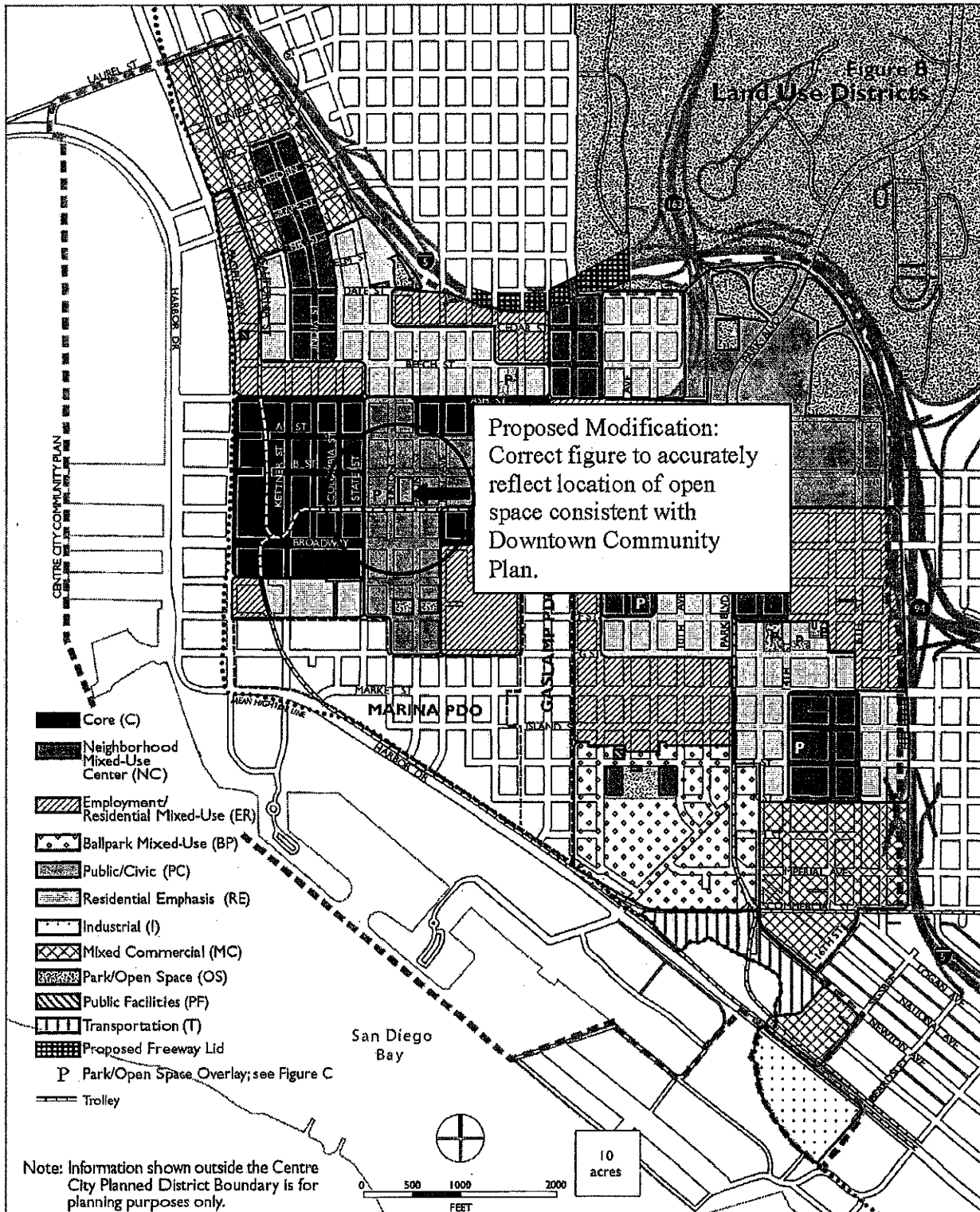
request may be granted by the decision maker if at least one of the following *findings* is made:

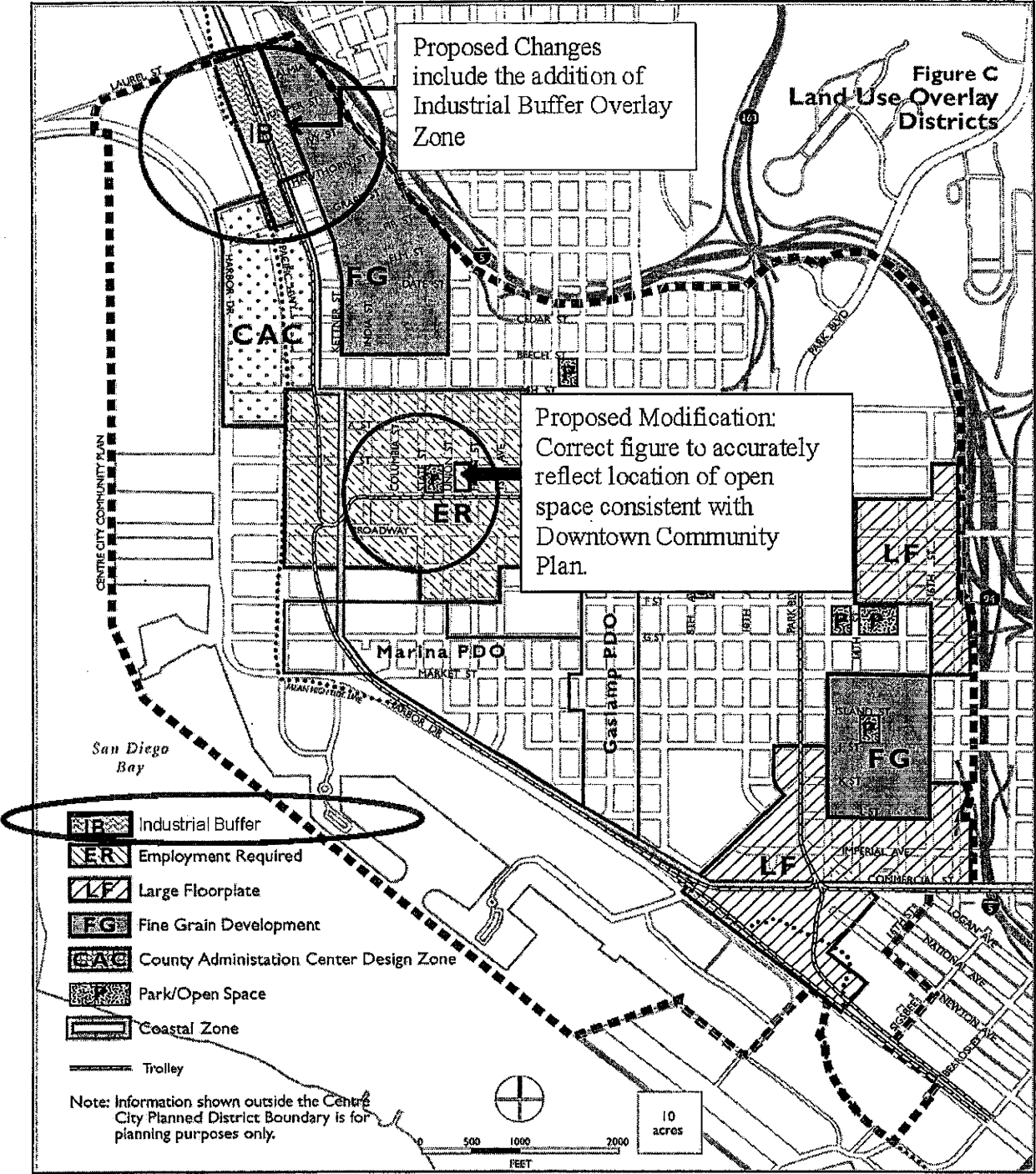
- (1) The proposed institution or facility is relocating from another location within the Centre City Planned District and the owner or permittee of the previous location rescinds any existing Conditional Use Permit or *previously conforming* use rights pursuant to Section 126.0110(b) of the Land Development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

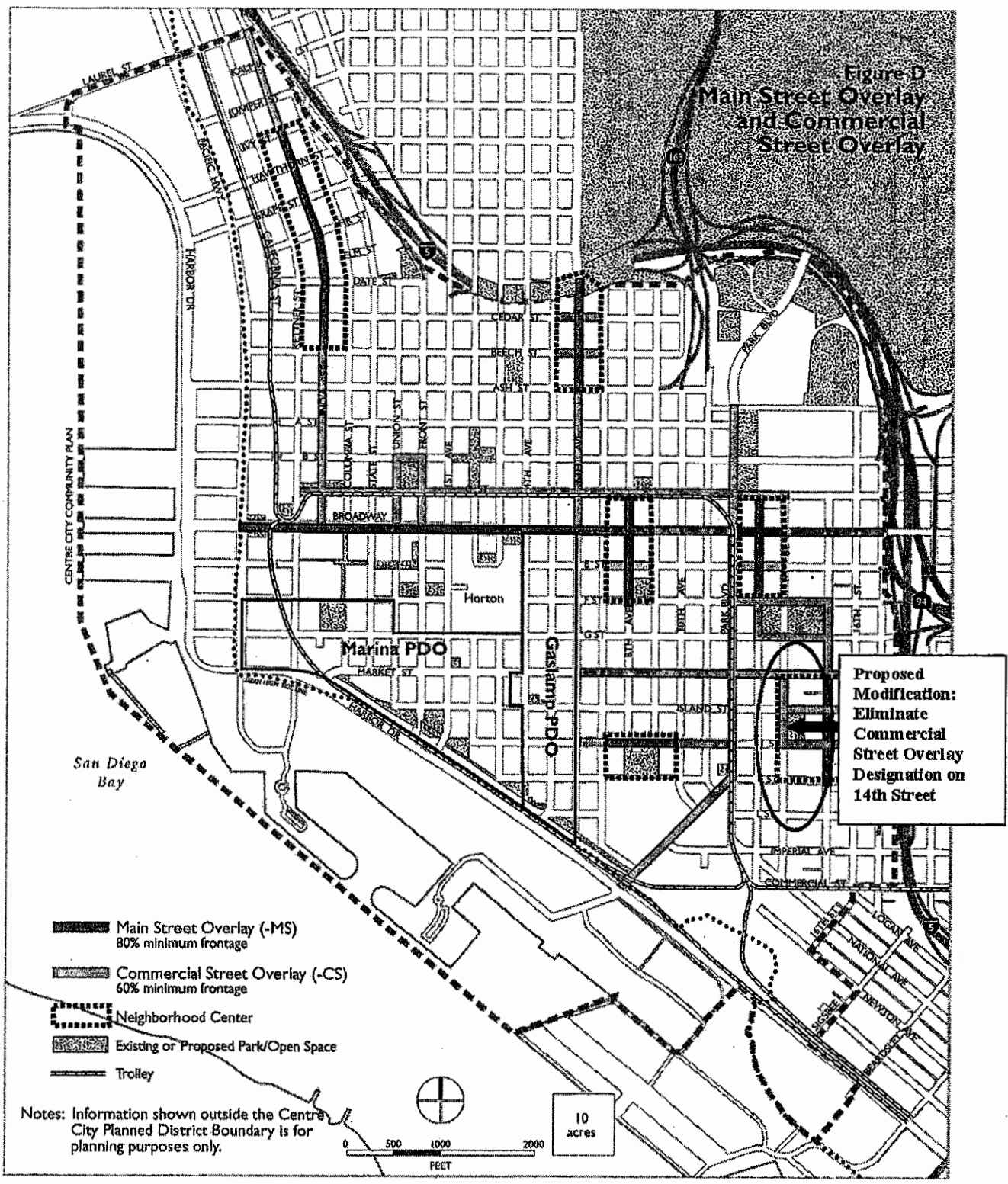
(f) *Reasonable Accommodations*

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

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Or.Dept:Civic San Diego
Doc. No. 601435_5







Passed by the Council of The City of San Diego on APR 29 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Ouel, Deputy

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

APR 15 2014, and on MAY 15 2014

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

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Ouel, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20368</u>

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT

NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 11, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 1511.0201, 1511.0202, 1511.0203, AND 1511.0204; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 3 BY AMENDING SECTION 1511.0302; BY AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY AMENDING SECTIONS 1511.0401 AND 1511.0404, ALL RELATING TO THE MARINA PLANNED DISTRICT.

§1511.0201 Administrative Regulations

(a) Administration

~~The Centre City Development Corporation (“CCDC”)~~ Civic San Diego

shall administer the Marina Planned District Ordinance as the designee of the City Council in accordance with the provisions of this Planned District Ordinance.

(b) Activities Regulated

(1) [No change in text.]

(2) The City Manager shall not issue any permit for such activities in any portion of the Marina Planned District until ~~CCDC~~ Civic San Diego has issued a Marina Planned District Permit or a Marina

EXHIBIT NO. 3
APPLICATION NO.
LCP-6-CCP-14-0826-1
Marina Ordinance
Pg. 1 of 9
 California Coastal Commission

Planned District Exception Permit signifying compliance with the provisions of this Planned District Ordinance.

§1511.0202 Marina Planned District Permit Process

- (a) [No change in text.]
- (b) Application for Marina Planned District Permit
 - (1) A Marina Planned District Permit shall be issued after the applicant has completed a three-step design review process consisting of the submission of:
 - (A) and (B) [No change in text.]
 - (C) One hundred percent Construction Drawings.
~~CCDC~~ Civic San Diego may issue a Marina Planned District Permit after review of the drawings based on the size of the project, or the nature of the improvement ~~CCDC~~ Civic San Diego may, at its discretion, consolidate Steps 2 or 3 to facilitate review of the project.
 - (2) ~~CCDC~~ Civic San Diego shall review all Basic Concept/Schematic Drawings, 50 percent Construction Drawings and 100 percent Construction Drawings as identified in the Marina Planned District Ordinance regulations. The criteria for submitting each of the three types of drawings and a description of the design review process are as follows:
 - (A) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. ~~CCDC~~ Civic San Diego shall

review Basic Concept/Schematic Drawings for two-dimensional considerations such as the relationship of land use within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. The applicant shall provide a narrative explanation of the design concept and shall submit the following items as part of the Basic Concept/Schematic Drawings:

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

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

(c) Review Procedures:

Application for a Marina Planned District Permit shall begin with the applicant's submission of Basic Concept/Schematic Drawings to ~~CCDC~~ Civic San Diego. Basic Concept/Schematic Drawings shall be reviewed according to the following process:

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

(d) Determination -- Conditions of Approval

The approval, modification or disapproval of Basic Concept/Schematic Drawings shall be as follows:

(1) ~~CCDC~~ Civic San Diego may approve, modify or disapprove any application for a Marina Planned District Permit, described in

Section 1511.0202(c)(1), which has been initiated by the submission of Basic Concept/Schematic Drawings. In approving a Marina Planned District Permit, ~~CCDC~~ Civic San Diego may impose reasonable conditions to ensure compliance with these regulations.

- (2) ~~CCDC~~ Civic San Diego shall advise the City Council and the City Council may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 1511.0202(c)(2), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, ~~CCDC~~ Civic San Diego may propose to the City Council reasonable conditions to ensure compliance with these regulations.

(e) Conditional Planned District Permit

The approval of Basic Concept/Schematic Drawings, as specified in Section 1511.0202(d), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to ~~CCDC~~ Civic San Diego the 50 percent Construction Drawings and 100 percent Construction Drawings to ~~CCDC~~ for approval.

(f) Issuance of Planned District Permit

If ~~CCDC~~ Civic San Diego finds that the 100 percent Construction Drawings conform to the Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the City.

(g) Permit Time Limits and Time Extensions

Any permit approved under this Planned District Ordinance shall be effective for a period not to exceed two years. ~~CCDC~~ Civic San Diego may grant a one time extension of one year if it finds from the evidence submitted that there have been no material changes of circumstances since the permit was originally granted.

(h) Revocation

Following a hearing, ~~CCDC~~ Civic San Diego may, at any time, revoke a Marina Planned District Permit issued under Section 1511.0202. ~~CCDC~~ Civic San Diego shall give the holder of the Marina Planned District Permit 30 calendar days notice of the proposed revocation and hearing. After that hearing, ~~CCDC~~ Civic San Diego may revoke a permit if it finds any of the following is true:

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

§1511.0203 Conditional Use Permits

(a) Notwithstanding the provisions of Section 151.0401, the President of ~~CCDC~~ Civic San Diego shall be the decision maker for the purpose of granting Conditional Use Permits within the boundaries delineated in Section 1511.0102.

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

§1511.0204 Exceptions to the Provisions of the Marina Planned District Ordinance

Regulations

(a) ~~The CCDC~~ Civic San Diego may recommend and the City Council may approve permit exceptions from certain limits, restrictions and controls of this Planned District Ordinance as provided in Sections 1511.0302(b)(3) and 1511.0302(c).

(b) [No change in text.]

(c) Review Procedures

Application for exceptions to the provisions of the Marina Planned District Ordinance regulations shall follow the review procedures outlined in Section 1511.0202(c), with the following additional requirements:

Two public hearings are required, the first before ~~CCDC's~~ Civic San Diego's Board of Directors and the subsequent hearing before the City Council. Notice shall be given at least 10 working days prior to the hearing of the time, place and purpose of the hearing in the following manner:

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

§1511.0302 Property Development Regulations

(a) [No change in text.]

(b) Regulations

The following regulations shall apply to the specific areas as indicated:

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

(4) Conditions for Exceptions to FAR

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

**TABLE 1511-03B
Land Use Mix**

[No change in text.]

- (C) Exceptions to either FAR or mixed land use standards may be recommended by CCDC's Civic San Diego's Board and approved by the City Council in accordance with Section 1511.0204, where the project complies with the development standards contained in this Planned District Ordinance and the Marina Urban Design Plan and Development Guidelines provided that three of the following seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) are met.
- In the event that exceptions are requested for both land use mix and FAR, four of the seven conditions set forth in Section 1511.0302(b)(4)(C)(i) through (vii) must be met.
- (i) through (vii) [No change in text.]

(c) [No change in text.]

§1511.0401 Off-Street Parking and Loading Regulations

(a) [No change in text.]

TABLE 1511-04A

RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

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

- (b) [No change in text.]

TABLE 1511-04B

NON-RESIDENTIAL OFF-STREET PARKING SPACE REQUIREMENTS

[No change in text.]

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

- (c) [No change in text.]

TABLE 1511-04C

NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS

[No change in text.]

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

- (f) *Below-Grade Parking.*

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

- (1) [No change in text.]
- (2) For *development* on sites that contain *designated historical resources*, the ~~CCDC~~ Civic San Diego President ~~President~~ may approve an exception to the *below-grade* parking requirements upon finding that *below-grade* parking is infeasible due to the location or characteristics of the *historical resources*.
- (3) For *development* on sites significantly impacted by the underground water table, the ~~CCDC~~ Civic San Diego President ~~President~~ may approve an exception to the *below-grade* parking

requirements upon finding that it would create exceptional financial hardship to the property owner or *applicant*.

(g) Existing Buildings.

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

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

(m) Marina Cumulative Trip Generation Rates

Marina Trip Generation Rates are as specified in the ~~CCDC~~ Civic San Diego Land Development Manual and City of San Diego Land Development Manual, Appendix N.

§1511.0404 Sign Regulations

Proposed *signs* will be evaluated by the ~~CCDC~~ Civic San Diego ~~President~~ President for conformance with the Marina Urban Design Plan and Development Guidelines. *Signs* shall conform with Chapter 14, Article 2, Division 12 of the Land Development Code.

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