

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, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, AND 156.0315, AMENDING CHAPTER 15, BY AMENDING THE TITLE OF ARTICLE 7, AMENDING THE TITLE OF DIVISION 1, AMENDING SECTIONS 157.0101, 157.0103, 157.0104, AND ADDING SECTIONS 157.0105, 157.0106, 157.0107, 157.0108, 157.0109, 157.0110, 157.0111, 157.0112, 157.0113, 157.0114, 157.0115, 157.0116, 157.0117, 157.0118, 157.0119 AND FIGURE A, AND REPEALING CHAPTER 15, ARTICLE 7, DIVISIONS 2, 3, 4 AND FIGURE A, ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT AND THE GASLAMP QUARTER PLANNED DISTRICT LAND DEVELOPMENT CODE UPDATE.

Article 6: Planned Districts

Division 3: The Centre City Planned District

§156.0302 Definitions

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

Active commercial uses through Floor plate [No change in text.]

Fragrant planter means either a moveable or permanently affixed planter or container with a minimum height of 30 inches intentionally planted with any combination of the following plants: California Primrose (*Oenothera californica*), Coyote Mint (*Monardella villosa*), Hummingbird Sage (*Salvia spathacea*), California Sagebrush (*Artemisia californica*), Catalina Currant (*Ribes viburnifolium*), Cleveland Sage (*Salvia clevelandii*), Pink Jasmine (*Jasminum polyanthum*), Star Jasmine (*Trachelospermum jasminoides*), Lavender (*Lavandula*), or Rosemary (*Salvia Rosmarinus*).

Greenway through *Living unit development* [No change in text.]

Living wall means a non-structural trellis that is fixed to an existing or proposed structure and intentionally covered by vegetation.

Logo through *Private open space* [No change in text.]

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.

Pushcart through *Urban open space* [No change in text.]

§156.0304 Administration and Permits

- (a) [No change in text.]
- (b) Permit ~~Required~~ Requirements

The following permits are subject to the ~~development~~ review and permit procedures in this Article: Neighborhood Development Permits, Neighborhood Use Permits, Conditional Use Permits, Coastal

~~Development Permits, Site Development Permits, Planned Development Permits, and Variances.~~ Applications for development within the Centre City Planned District shall be decided in accordance with the decision processes in Chapter 11, Article 2, Division 5.

- (1) [No change in text.]
- (2) *Tenant improvements* Development exceeding \$250,000 in value shall include *public improvements* consistent with the Centre City Streetscape Manual.
- (3) *Development* that exceeds \$20 million in value, located along a *greenway*, shall meet all the following requirements, as applicable:
 - (A) through (F) [No change in text.]
 - (G) An *applicant* that provides *public improvements* in accordance with this ~~section~~ Section shall either be exempt from or subject to a proportionate share credit of the DIF for the Citywide Park Development Impact Fee as set forth in Section 142.0640(b)(6) or shall be eligible for an *FAR Bonus* of 2.0 to be added to the maximum *Base FAR* as set forth in Section 156.0309(d)(9). For purposes of this subsection, to be exempt or partially exempt from the requirement to pay the Citywide Park DIF, the requirements set forth in Section 142.0640(b)(98)(A)-(C) shall not apply.
- (4) [No change in text.]

(e) ~~Decision Process~~

~~Applications for *development* within the Centre City Planned District shall be decided in accordance with one of the five decision processes as outlined in Chapter 11, Article 2, Division 5.~~

(d) Public Facilities Exemption

Public facilities, whether provided by a government agency, nonprofit, private property owner, or tenant, including fire stations, *schools, parks, greenways, active sidewalks, promenades, recreational amenities, urban plazas, pedestrian and bicycle-supporting amenities, transit improvements, public buildings and facilities, police department facilities, and ~~structures within *public open space areas*~~ development on public agency-owned sites, shall be allowed at any location within the Centre City Planned District and shall be exempt from the requirement to obtain a *development permit* with the exception of Coastal Development Permits and Site Development Permits for *historical resources*. Public facilities shall be exempt from 156.0307(b)(2)-(12). Any required *development permits* or *construction permits* issued for public facilities shall be granted an automatic extension of an additional 24 months from the expiration date of the permit. Applicants developing on public agency-owned sites shall seek to maximize density through the use of affordable housing and child care density bonuses. Operational improvements to streets, including vehicular directional conversions and the removal of vehicular parking and travel lanes to accommodate pedestrian and bicycle-supporting amenities, shall*

be allowed at any location at the discretion of the City Engineer. Where feasible, the City Engineer shall seek to reduce the number of vehicular travel lanes on all streets throughout the Centre City Planned District to no more than two, notwithstanding any other policies or planning documents.

§156.0305 Rules of Calculation and Measurement

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

- (a) [No change in text.]
- (b) *Gross floor area* shall be calculated in accordance with Section 113.0234, with the following modifications:
 - (1) Phantom *floors*, as defined in Section 113.0234(b)(43) shall not count as *gross floor area* in either residential or commercial buildings.
 - (2) *Roof decks* shall not be counted as *gross floor area* pursuant to Section 113.0234(b)(54) unless the perimeter walls enclosing the area exceed 6 feet in height for non-transparent materials or 8 feet for transparent materials.
 - (3) through (4) [No change in text.]

§156.0307 Land Use Districts

The following land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use

district are shown on Table 156-0308-A. Specific requirements for minimum percentages of *active commercial uses* and commercial uses on the ground-floor along *street frontages* are provided.

(a) Base Districts

The purpose of each base district is as follows:

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

~~(5) Waterfront/Marine (WM). This district permits a range of maritime-related uses, including ocean related industry, major tourist and local visitor attractions, trade, office, eating and drinking establishments, retail, parking facilities, *cultural institutions*, and *hotels*.~~

(6) Mixed Commercial (MC). This district accommodates a diverse array of uses, including residential, artist studios, live/work spaces, *hotels*, offices, research and development, and retail. Commercial and service uses, including light industrial and repair, warehousing and distribution, transportation, and communication services that are essential for the livelihood of businesses and residents of the downtown area are also permitted.

(7) Residential Emphasis (RE). This district accommodates primarily residential *development*. Small-scale businesses, offices, services, and ground-floor *active commercial uses* are allowed, subject to size and area limitations.

Within the RE District, at least 80 percent of the *gross floor area* must be occupied by residential uses. Non-residential uses may occupy no more than 20 percent of the *gross floor area*. Small *lots* of 5,000 square feet or less may apply for a deviation to the percentage requirements of the RE District through the Conditional Use Permit process.

- (~~87~~) Industrial (I). This district permits a range of industrial uses, including light manufacturing, transportation services, repair and storage, and energy-generation facilities.
- (~~98~~) Transportation (T). This district accommodates uses related to trolley, passenger and freight rail operations, maintenance and repair, and associated activities.
- (~~10~~) ~~Convention Center/Visitor (CC). This district provides an area for convention centers, hotels, and parks and open spaces for visitor uses.~~
- (~~119~~) Public/Civic (PC). This district provides a center for government, civic uses, *cultural institutions*, educational facilities, and public and support services, and it accommodates residential uses. Within the PC District, a minimum of 40 percent of the *ground-floor street frontage* shall contain commercial uses.
- (~~1210~~) Park/Open Space (OS). This district provides areas for *public parks* and open spaces. Below-ground parking facilities, eating and

drinking establishments, arts and *cultural uses*, and community centers are also permitted.

(b) [No change in text]

§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 ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Public Park/ Plaza/Open Space	P	P	P	P	P	P	P	P	P	P	P	P		
<u>Placemaking on Private Property</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>	—		
Agriculture	--	--	--	--	—	--	--	--	--	--	--	—		
Community Gardens	P	P	P	P	—	P	P	--	--	P	P	—	§141.0203	
Residential¹														
Rooming House	L	L	L	L	—	L	L	--	--	L	--	—		
Multiple Dwelling Units	P	P	P	P	—	P	P	--	--	P	--	—		
Shopkeeper Units	P	P	P	P	—	P	P ²	--	--	P	--	—		
Separately Regulated Residential Uses														
Continuing Care Retirement Communities	L	L	L	L	—	L	L	--	--	L	--	—	§141.0303	
Fraternities, Sororities and Dormitories	N	N	N	N	--	N	N	--	--	N	--	—	§141.0305 (c)-(e)	
Home Occupations	P	P	P	P	—	P	P	--	--	P	--	—	§141.0308	
Live/Work Quarters	P	P	P	P	—	P	P	--	--	P	--	—	§141.0311	
<u>Low Barrier Navigation Center</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	—	<u>L</u>	<u>L</u>	<u>--</u>	<u>--</u>	<u>L</u>	<u>--</u>	—	<u>§141.0317</u>	
Living Units	P	P	P	P	—	P	P	--	--	P	--	—	§156.0315(b)	

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
<i>Residential Care Facilities</i>	CL	CL	CL	CL	–	CL	CL	--	--	CL	--	–	§141.0312	
<i>Transitional Housing</i> <i>Transitional Housing</i>	L	L	L	L	–	L	L	--	--	L	--	–	§141.0313	
<i>Permanent Supportive Housing</i>	L	L	L	L	–	L	L	--	--	L	--	–	§141.0315	
Separately Regulated Institutional Uses														
<i>Satellite Antennas</i>	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	§141.0405	
<i>Correctional Placement Centers</i>	C	--	--	--	–	C	--	--	--	C	--	–	§141.0406	
<i>Cultural Institutions</i>	P	P	P	P	P	P	P	--	--	P	P	P		MS, CS, E
<i>Educational Facilities</i>	P	P	P	P	P	P	P	--	--	P	--	P		CS, E
<i>Energy Generation & Distribution Stations</i>	C	C	C	C	C	C	--	C	C	C	--	C	§141.0408	
<i>Exhibit Halls & Conventional Facilities</i>	--	--	--	--	–	C	--	C	C	C	--	P		E
<i>Historical Buildings Occupied by Uses Not Otherwise Allowed</i>	C	C	C	C	C	C	C	C	C	C	C	C	§156.0315(ei)	
<i>Homeless Facilities⁶</i>	C	--	C	C	–	C	--	--	--	C	--	–	§141.0412 §156.0315(ei)	
<i>Hospitals, Intermediate Care Facilities, and Nursing Facilities</i>	P	C	P	P	–	P	CL	--	--	P	--	P	§141.0413	CS, E

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
<u>Intermediate Care Facilities and Nursing Facilities</u>	P	P	P	P	–	P	P	==	==	P	–	–	§141.0413	CS, E
Major Transmission, Relay or Communication Switching Station	C	--	C	C	–	C	--	C	C	--	--	–	§141.0416	
<i>Social Service Institutions</i>	C	--	C	C	–	C	--	--	--	C	--	–	§156.0315(ej)	CS
<i>Wireless Communication Facilities</i>	See Section 141.0420													
Retail Sales	P	P	P	P	P	P	P	P	--	P	--	P	§156.0307(a), (b) & Figure C	MS, CS, E
Separately Regulated Retail Sales Uses														
<i>Cannabis Outlets</i>	-	-	-	-	€	-	-	C	C	-	-	€	§141.0504	
Off-Site Alcohol Beverage Sales	C	C	C	C	€	C	--	--	--	C	C	€	§156.0315 (b)(1)	MCMS , CS, E
Commercial Services														
Animal Grooming & Veterinary Offices	P	P	P	P	P	P	P	--	--	P	--	–		CS, E
Assembly & Entertainment	P	P	P	P	P	P	--	--	--	P	P	P		CS, E
With <i>Live Entertainment</i>	N/ C	N/ C	N/ C	N/ C	N/ €	N/ C	--	--	--	N/ C	N/ C	N/ €	§156.0315(c)	
With Outdoor Use Area	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	--	L/ N	L/ N	L/ N	§156.0315(d)	
Building Services	P	P	P	P	P	P	--	--	--	P	--	–		CS, E
Business Support	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Eating & Drinking Establishments ¹⁴														
<i>Bona-Fide Eating Establishments</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315(a)	MS, CS, E
<i>Brewpubs</i>	P	P	P	P	P	P	P	--	--	P	P	P	§156.0315 (b)(2)	MS, CS, E
<i>Non-Bona Fide Eating Establishments w/ Alcohol</i>	P	P	P	P	P	P	--	--	--	P	--	P	§156.0315 (a)	MS, CS, E
<i>Brewery Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(4)	MS, CS, E
<i>Brewpub Tasting Rooms</i>	P	P	P	P	P	P	P	--	--	P	--	P	§156.0315 (b)(3)	MS, CS, E
<i>With Outdoor Use Area</i>	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	-- N	-- N	L/ N	P	L/ N	§156.0315(d)	
<i>With Live Entertainment</i>	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	L/ N/ C	-- N/ C	-- N/ C	-- N/ C	L/ N/ C	-- N/ C	L/ N/ C	§156.0315(c)	
<i>Mobile Food Trucks</i>	L	L ¹¹	L	L	L	L	L	L	L	L	L	L	§123.0601-0606	
Financial Institutions	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Funeral & Mortuary Services	P	--	P	--	--	P	--	--	--	--	--	--		CS, E
Instructional Studios	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Maintenance & Repair	P	P	P	P	P	P	P	P	P	P	--	P		CS, E
Off-Site Services	P	P	P	P	P	P	--	P	--	--	--	P		
Personal Services	P	P	P	P	P	P	P	--	--	P	--	P		MS, CS, E
Radio & Television Studios	P	P	P	P	P	P	P	--	--	P	--	P		CS, E

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵	
Visitor Accommodations															
<i>Hotels and Motels</i>	P	P ³	P	P	P	P	P ¹³	--	--	P	--	P		CS, E	
Separately Regulated Commercial Service Uses															
Boarding Kennels/Pet Day Care Facilities	L	L	L	L	L	L	L	--	--	L	--	--	§141.0604	CS, E	
Veterinary Clinics & Animal Hospitals	L	L	L	L	--	L	L	--	--	--	--	--	§141.0625	CS, E	
Assembly Uses, including Places of Religious Assembly	P	P	P	P	P	P	C	--	--	P	--	P	<u>§141.0602</u>	CS	
Child Care Facilities	P	P	P	P	P	P	P	--	--	P	--	P	<u>§141.0606</u>	CS, E	
<i>Outdoor Activities</i>	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	N/ C	--	--	N/ C	N/ C	N/ C	§156.0315(de)	MS, CS	
Parking Facilities (<i>structure or surface</i>) ⁸	C	C	C	C	C	C	C	C	C	C	C	C	§156.0313	CS	
Private Clubs, Lodges and Fraternal Organizations	P	P	P	P	P	P	P	--	--	P	--	P			
<i>Pushcarts on private property</i>	L	L	L	L	L	L	--	--	L	L	L	L	§141.0619		
<i>Recycling Facilities</i>															
Drop-Off Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(b)		
Reverse Vending Machines	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(c)		

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Large Collection Facilities and Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(e)	
Small Collection Facilities	L	L	L	L	L	L	L	L	L	L	--	L	§141.0620(d)	
Small and Large Processing Facilities	--	--	--	--	--	C	--	C	C	--	--	--	§141.0620(f)	
Sidewalk Cafes ¹⁰ , Streetaries, and Active Sidewalks	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	L/ N	--	--	L/ N	L/ N	L/ N	§141.0621	
<i>SRO Hotels</i>	P	P ³	P	P	--	P	P	--	--	<u>P</u>	--	--	§143.0510- §143.0590	
<i>Urgent Care Facilities</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	--	<u>P</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>P</u>	<u>--</u>	--	<u>§141.0624</u>	<u>CS, E</u>
Offices⁽⁹⁾	P	P	P	P	<u>P</u>	P	P	--	--	P	--	<u>P</u>		CS, E
Vehicle & Vehicular Equipment Sales & Service														
Personal Vehicle Sales & Rental Offices	P	P	P	P	<u>P</u>	P	--	P	--	P	--	<u>P</u>		CS, E
All Other Vehicle & Vehicular Equipment Sales & Services	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Vehicle & Vehicular Equipment & Service Uses														
Automobile Service Stations	--	--	<u>CE</u>	<u>CE</u>	<u>E</u>	C	--	C	C	--	--	--	§141.0801	

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	CE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Distribution and Storage														
Distribution Facilities	L ⁴ ₌	--	L ⁴ ₌	L ⁴ ₌	P	P ⁴	--	P	P	--	--	--		
Moving & Storage Facilities	L ⁴ ₌	--	L ⁴ ₌	L ⁴ ₌	P	P ⁴	--	P	P	--	--	--		
Separately Regulated Distribution and Storage Uses														
Temporary Construction Yards	N	N	N	N	N	N	N	N	N	N	--	N		
Industrial														
Artisan Food and Beverage Producer ¹²	L	L	L	L	L	L	--	L	L	L	L	L	§141.1001	CS, E
Heavy Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--		
Light Manufacturing	--	--	--	--	P	P	--	P	P	--	--	--		
Marine Industry	--	--	--	--	--	C	--	C	--	--	--	--		
Research & Development	P	P	P	P	P	P	--	P	P	P	--	--		E
Trucking and Transportation Terminals	--	--	--	--	--	C	--	C	C	--	--	--		
Separately Regulated Industrial Uses														
Cannabis Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-		
Signs														
Allowable Signs	P	P	P	P	P	P	P	P	P	P	P	P	§142.1201 §142.1292 §156.0314	

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Use Categories/ Subcategories	C	NC ¹⁵	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	OS	EE ⁷	Additional Regulations	MS/CS & E Overlays ¹⁵
Separately Regulated Signs Uses														
Community Entry or Neighborhood Identification Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1101 §141.1104	
Reallocation of Sign Area Allowance	N	N	N	C	N	N	N	N	N	N	N	N	§141.1103	
Revolving Projecting Signs	N	N	N	C	N	N	N	N	N	N	N	N	§141.1104	
Automatic Changing Copy	N	N	N	C	N	N	N	N	N	N	N	N	§141.1105	
Theater Marquees	N	N	N	C	N	N	N	--	--	N	N	N	§141.1106	
Other Use Requirements														
Temporary Uses and Structures	L	L	L	L	L	L	L	L	L	L	L	L	§123.0401	

Footnotes for Table 156-0308-A

¹ through ³ [No change in text.]

⁴ Limited to 20 percent gross floor area above grade. Not permitted within the San Diego Promise Zone.

⁵ through ¹⁴ [No change in text.]

¹⁵ Where the building permit application is submitted prior to January 1, 2029, development that converts commercial ground-floor street frontage in an existing structure to residential uses, where all of the dwelling units are affordable at a cost that does not exceed 30 percent of 150 percent of the area median income, shall be allowed subject to all applicable regulations.

§156.0309 FAR Regulations and TDRs

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

(d) FAR Bonuses

Development may exceed the maximum base FAR for the site established by Figure H if the applicant provides certain public benefits or

~~development amenities. 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(d)(1)). The increased density earned through each FAR bonus shall be in addition to any other increase in density allowed by any other density bonus program. Any development that earns an FAR bonus through any of the FAR bonus provisions of this Section shall either record covenant restrictions, CC&Rs, or an easement on the property to ensure that the requirements of each FAR bonus are met.~~

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

TABLE 156-0309-A: FAR BONUS	
Public Benefit/Development Amenity	FAR Bonus (to be added to maximum Base FAR)
Affordable Housing	See Section 156.0309(d)(1)
Urban Open Space	Up to 6.0 — See Section 156.0309(d)(2)
Three bedroom units	See Section 156.0309(d)(3)
Eco-Roofs	Up to 1.0 — See Section 156.0309(d)(4)
Employment Uses	See Section 156.0309(d)(5)
Child Care Facilities	See Section 156.0309(e)(6)
FAR Payment Bonus Program	See Section 156.0309(d)(6) and Figure J
Sustainable Building	Up to 2.0 — See Section 156.0309(d)(7)
Public Improvements along a Greenway	2.0 — See 156.0309(d)(8)

- (1) Affordable Housing. An *applicant* proposing a residential *development* that is entitled to a *density* bonus pursuant to the Affordable Housing Regulations (AHR), Chapter 14, Article 3, Division 7 of the Land Development Code, may increase the permitted *FAR* as specified below.
 - (A) [No change in text.]
 - (B) *Development* may provide either rental or for-sale affordable *dwelling units*, regardless of whether the market rate *dwelling units* within the *development* are for rent or sale. *Development* under these provisions shall be subject to the following requirements in addition to those in the AHR:
 - (i) through (iv) [No change in text.]
 - (v) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i); where the *premises* contains any of the following uses as of January 1, 2023: Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, Maintenance & Repair Facilities, or Drive-

Throughs ~~Restaurants~~, and those uses are to be replaced with residential *development*, the *development shall receive* an additional *density* bonus of 50 percent ~~shall be added to~~ of the AHR bonus ~~percentage~~.

(C) [No change in text.]

(2) *Urban Open Space. Development* that reserves a portion of their site for the *development* of public *urban open space* may qualify for an FAR bonus of 2.0, 4.0, ~~or 6.0~~, or 8.0, subject to the following criteria:

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

- (i) *Development* that provides Active Sidewalks in accordance with Section 141.0621(c) and includes amenities which achieve a minimum of 3.5 points per Appendix D of the Parks Master Plan shall receive an *FAR ~~B~~bonus* of 2.0 or 4.0 if the length of the Active Sidewalk is greater than 150 linear feet.
- (ii) *Urban open space* that is at least 10 percent of the site and includes amenities which achieve a minimum of 7 points per Appendix D of the Parks Master Plan shall receive an *FAR ~~B~~bonus* of ~~2.0~~ 4.0.

(iii) *Urban open space* that is at least 15 percent of the site and includes amenities which achieve a minimum of 10.5 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of ~~4.0~~ 6.0.

(iv) *Urban open space* that is at least 20 percent of the site and includes amenities which achieve a minimum of 14 points per Appendix D of the Parks Master Plan shall receive an *FAR Bonus* of ~~6.0~~ 8.0.

(v) [No change in text.]

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

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

(A) *Development providing at least 5 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 1.0.*

(AB) *Development providing at least 10 percent of the total amount of dwelling units within the development as three bedroom units shall receive an FAR bonus of 1.0* 3.0.

~~(BC)~~ *Development* providing at least 20 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units shall receive an FAR bonus of ~~2.0~~ 5.0.

(D) *Development* providing at least 30 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units shall receive an *FAR bonus* of 7.0.

~~(CE)~~ *Development* providing at least 50 percent of the total amount of *dwelling units* within the *development* as three *bedroom* units, with at least ~~20~~ 10 percent of those units affordable up to 30 percent of 150 percent of the area *median income*, shall have no limit on *density*.

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

(7) *FAR* Payment Bonus Program. An *FAR* Payment Bonus Program has been established to permit *applicants* to purchase additional *FAR*. The maximum amount of *FAR* which may be purchased through this program shall be as shown in Figure J. Up to 4.0 of additional *FAR* above the maximum *FAR* identified in Figure J may be purchased at 1.5 times the price-per-square-foot of the *FAR* Bonus Payment Program. Further, an *FAR* Payment Bonus Program payment may be used to waive a requirement of Section 156.0310(g)(1) through (4) at an amount equal to the purchase of 1.0 *FAR* for each requirement waived.

- (8) Sustainable Building. *Development* that demonstrates a high level of building sustainability by achieving a targeted level of performance may qualify for an FAR bonus of 1.0 or 2.0, subject to the following criteria:
- (A) California Green Building Standard Code (CALGreen): As adopted by the State of California, CALGreen includes voluntary performance tiers. *Development* that complies with CALGreen Tier II ~~may earn a~~ and provides a double row of canopy trees along each street frontage, triangulated with required street trees at the curb shall receive an FAR bonus of 1.0.
- (B) LEED®: The US Green Building Council (USGBC) manages LEED® Core & Shell and LEED® for new construction. *Development* that provides a double row of canopy trees along each street frontage, triangulated with required street trees at the curb shall receive an FAR bonus of 1.0 if it also achieves LEED® Silver certification ~~may earn a FAR bonus of 1.0 and development that,~~ or an FAR bonus of 2.0 if it achieves a LEED® Gold or higher certification ~~may earn a FAR bonus of 2.0.~~
- (C) CC&Rs shall be recorded on the property providing for the *development* and perpetual maintenance of all measures that are identified to earn a *FAR Bonus*. Prior to the

issuance of any building permits the applicant shall provide a financial surety to ensure the timely completion of the LEED® certification process to the satisfaction of the City Manager. Within 180 days of receiving the final Certificate of Occupancy for a *development*, the *applicant* shall submit documentation that demonstrates achievement of the applicable *LEED*® rating, to the satisfaction of the City Manager. If the *applicant* fails to submit documentation, equivalent payment shall be made to the *FAR Bonus* Fund.

- (9) *Greenways. Development* that includes *public improvements* consistent with Section 156.0304(b)(3)(A) through (D), shall be entitled to an *FAR Bonus* of 2.0 or 4.0 if the *public improvement* is greater than 150 linear feet.
- (10) *Development* that includes a minimum of 100 residential *dwelling units* where 20 percent of the total residential *dwelling units* are affordable up to 30 percent of 150 percent of the area *median income* shall have no limit on *density*. Non-residential uses may occupy no more than 20 percent of the *gross floor area*.
- (11) *Development* which utilizes any of the *FAR bonus* provisions in Section 156.0309(d)(1) through (9) where the *premises* contains existing *development*, which is less than the Base Minimum *FAR*, as identified on Figure H, as of January 1, 2024, the *development* shall receive an additional *density* bonus of 30 percent of the *FAR*

bonus. If the building permit application is deemed complete between January 1, 2024 and January 1, 2029, the development shall receive an additional density bonus of 50 percent of the FAR bonus.

(e) Exemptions from *FAR* Calculations

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

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

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

(4) ~~Main Streets Active Commercial Uses. All floor area located on the ground floor or ground-floor mezzanine that is directly accessible to the street and is dedicated to active commercial uses and is located either on main streets, on C Street, or within the San Diego Promise Zone, shall not be counted as gross floor area for the purposes of calculating the *FAR* for the development.~~

(5) [No change in text.]

(f) [No change in text.]

§156.0310 Development Regulations

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

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

Table 156-0310-A: Development Standards

[No change in text.]

(1) *Building Base*

(A) [No change in text.]

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

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

(iv) ~~Internal entry courts, auto courts, or auto drop-offs may be allowed behind the required *street wall*~~

Preservation of existing trees;

(v) through (viii) [No change in text.]

(C) through (G) [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 *street* frontage, to the finished elevation of the second *floor*, and for a depth of at least 15 feet, shall be the average of:

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

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

§156.0311 Urban Design Regulations

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

(a) through (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) No more than 30 percent of the linear frontage of the first-*story street wall* may consist of *blank walls*. The maximum length of any continuous *blank wall* is 20 feet, or 40 feet if the *blank wall* includes ~~artwork~~ either *living walls* or *fragrant planters* along 30 percent of the *blank wall* frontage.

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

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

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

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

(e) ~~North Embarcadero *Off-Street Parking Space* Requirements~~

~~The parking requirements in Table 156-0313-C shall apply to *developments* located west of California Street between Harbor Drive and West Laurel Street. *Reasonable accommodations* to the parking requirements shall be granted if necessary to afford *disabled persons* equal housing opportunities under state or federal law, in accordance with Section 131.0466.~~

(1) ~~Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.~~

(2) ~~Provided Parking. If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:~~

(A) ~~The *off-street parking spaces* shall consist only of *unbundled parking*.~~

(B) ~~The number of accessible *off-street parking spaces* shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).~~

- (C) ~~The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.~~
 - (D) ~~One motorcycle parking space shall be provided for every ten parking spaces.~~
- (3) ~~Maximum Parking. *Off-street parking spaces* in tandem or within a mechanical automobile lift are not counted as additional *off-street parking space*. A development may exceed the maximum *off-street parking spaces* identified in Table 156-0313-C if all of the following apply:~~
- (A) ~~The *development floor area ratio* is no less than 80 percent of the base maximum *floor area ratio*; and~~
 - (B) ~~At least 20 percent of the total *off-street parking spaces* provided include electric vehicle supply equipment for the ready installation of charging stations; and~~
 - (C) ~~The *development* provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and~~
 - (D) ~~All *off-street parking spaces* that exceed the allowed maximum shall be within an underground parking garage on the same *premises*.~~

~~TABLE 156-0313-C~~

~~NORTH EMBARCADERO OFF-STREET PARKING REQUIREMENTS~~

Use Category	Minimum		Maximum		Notes
<i>Dwelling units including Permanent Supportive Housing</i>	0		1 space per <i>dwelling unit</i>		
<i>Living Units & Single Room Occupancy Hotel Rooms</i>	Market rate unit	0	Market rate unit	0.5 spaces per unit	Maximum parking shall be based on the occupancy or rent restriction applied to the specific unit.
	50% AMI	0	50% AMI	0.2 spaces per unit	
	At or below 40% AMI	0	At or below 40% AMI	0	
<i>Group Living</i>	0		0.1 spaces per room		
<i>Live/Work or Shopkeeper Unit</i>	0		1 space per unit		
<i>Residential Care Facilities</i>	0		1 space per every ten beds		
<i>Transitional Housing Facilities</i>	0		1 space per every 6 beds and 1 space per on-site employee		
<i>Office</i>	0				
<i>Hotel</i>	0				
<i>Warehouse & Storage</i>	0				
<i>Retail</i>	0				
<i>Restaurant</i>	0				

(dc) Enclosed Parking

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

(ed) Below-Grade Parking

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

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

(fe) Existing Buildings

Buildings may be converted from one land use to another without providing additional parking spaces.

(gf) *Structured Parking Facility Standards*

~~The following standards apply to all~~ All parking must be provided below-grade. Above Above-grade parking facilities may only be allowed if all of the following requirements are met:

- (1) [No change in text.]
- (2) All parking located above the ground level shall meet the following standards:
 - (A) ~~Development located on a site of less than 30,000 square feet does not require encapsulated parking shall include no less than 100 percent of the Base Maximum Floor Area Ratio;~~
 - (B) *Development* located on a site of 30,000 square feet or more shall encapsulate at least 50 percent of the cumulative *building façades* directly abutting *street frontages* with habitable residential or non-residential uses.
 - (C) For each *street frontage* in which at least 50 percent of the above-grade parking is not encapsulated, one of the following shall be provided:
 - (i) An active sidewalk with either a double row of canopy trees or *fragrant planters* along the *street frontage*;

- (ii) Living walls on at least 30% of the above-grade parking along the street frontage; or
 - (iii) An FAR bonus payment in an amount equal to the purchase of 0.5 FAR.
 - (D) Public parking within a development is allowed without a Conditional Use Permit so long as it makes up less than 50 percent of the total number of provided parking spaces.
 - (~~E~~) Roof-top parking is allowed if all parking spaces, excluding drive aisles, are covered with a ~~roof~~ rooftop mounted solar photovoltaic panels or a landscaped trellis structure.
 - (~~F~~) Parking levels located above the ground level shall be shielded from view by a solid wall or headlight-obscuring *screen* a minimum height of 42 inches, measured from the finished *floor* of the adjoining parking space.
 - (~~G~~) Any open areas in the exterior *building façade* of the *structure* shall be designed as an integral component of the overall architecture of the *development*.
 - (~~H~~) All above-grade parking facilities directly abutting a public *street* shall exhibit level floor areas for a minimum distance of 40 feet from the *property line* to allow for future conversion to habitable uses.
- (3) through (7) [No change in text.]
- (hg) Surface Parking Lot Standards

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

- (1) Temporary surface parking lots may be permitted with approval of a Conditional Use Permit in accordance with Process Three for a maximum period of two years subject to the following standards:

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

(E) For parking lots of 30,000 square-feet or more, at least 30 percent of the public *street frontage* shall include *placemaking or outdoor activities* with a minimum depth of 10 feet.

- (2) [No change in text.]

~~(i) Off-Site Parking Provisions~~

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

~~(j) Parking Space Standards~~

~~All parking spaces required by this Division shall meet City standards in accordance with Section 142.0560 of the Land Development Code.~~

~~(k) Vehicular Access~~

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

~~(j)~~ Driveway Slopes and Security Gates

Driveway slopes shall meet the requirements of Section 142.0560(j)(9) of the Land Development Code. There shall be a transition behind the *public right-of-way* not to exceed a gradient of 5 percent for a distance of 10 feet. Security gates for parking garages shall be located a minimum distance of 10 feet from the front *property line*, and the door swing of any security gate shall not encroach into the 10-foot required minimum distance from the front *property line*. Security gates shall be constructed of an upgraded screening material that is at least 80% non-transparent.

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

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

~~(n)~~ *Transportation Demand Management (TDM)*

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

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

[No change in text.]

§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:~~ is permitted by right at *bona-fide eating establishments*. *Non bona-fide eating establishments, bars, assembly and entertainment uses, outdoor activities, and other similar commercial establishments of 5,000 square feet or greater, that provide alcoholic beverages for on-site consumption, shall obtain a Neighborhood Use Permit in accordance with Process Two.*

- ~~(1) *Bona-fide eating establishments* that offer made-to-order food during all business hours may provide alcoholic beverages on the premises by right.~~
- ~~(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.*~~

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

(d) *Outdoor Use Areas*

Outdoor Use Areas are subject to the following regulations:

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

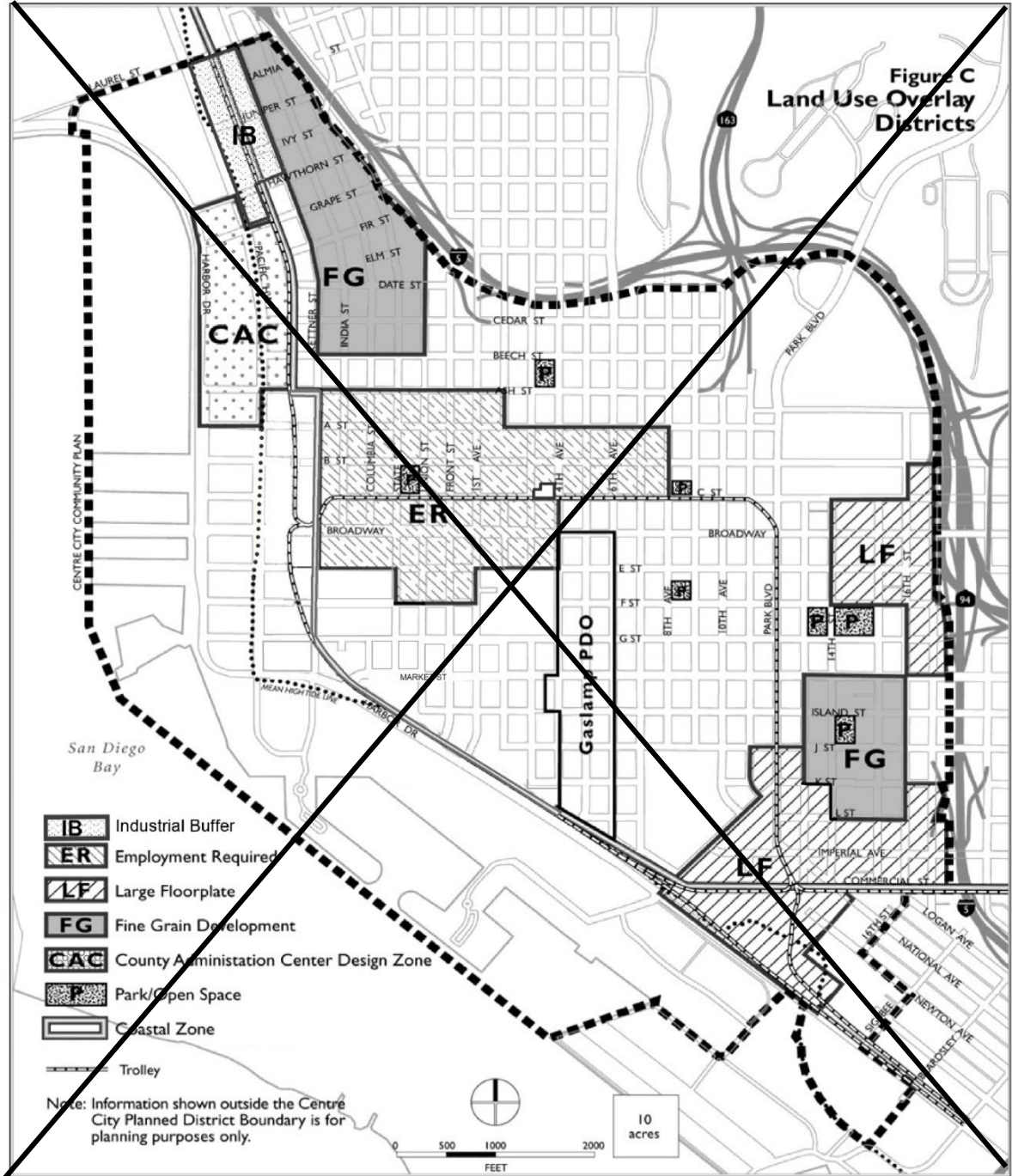
- (3) Any establishment with an *Outdoor Use Area* located above the ground-level and/or that is greater than ~~350~~ 2,000 square feet in

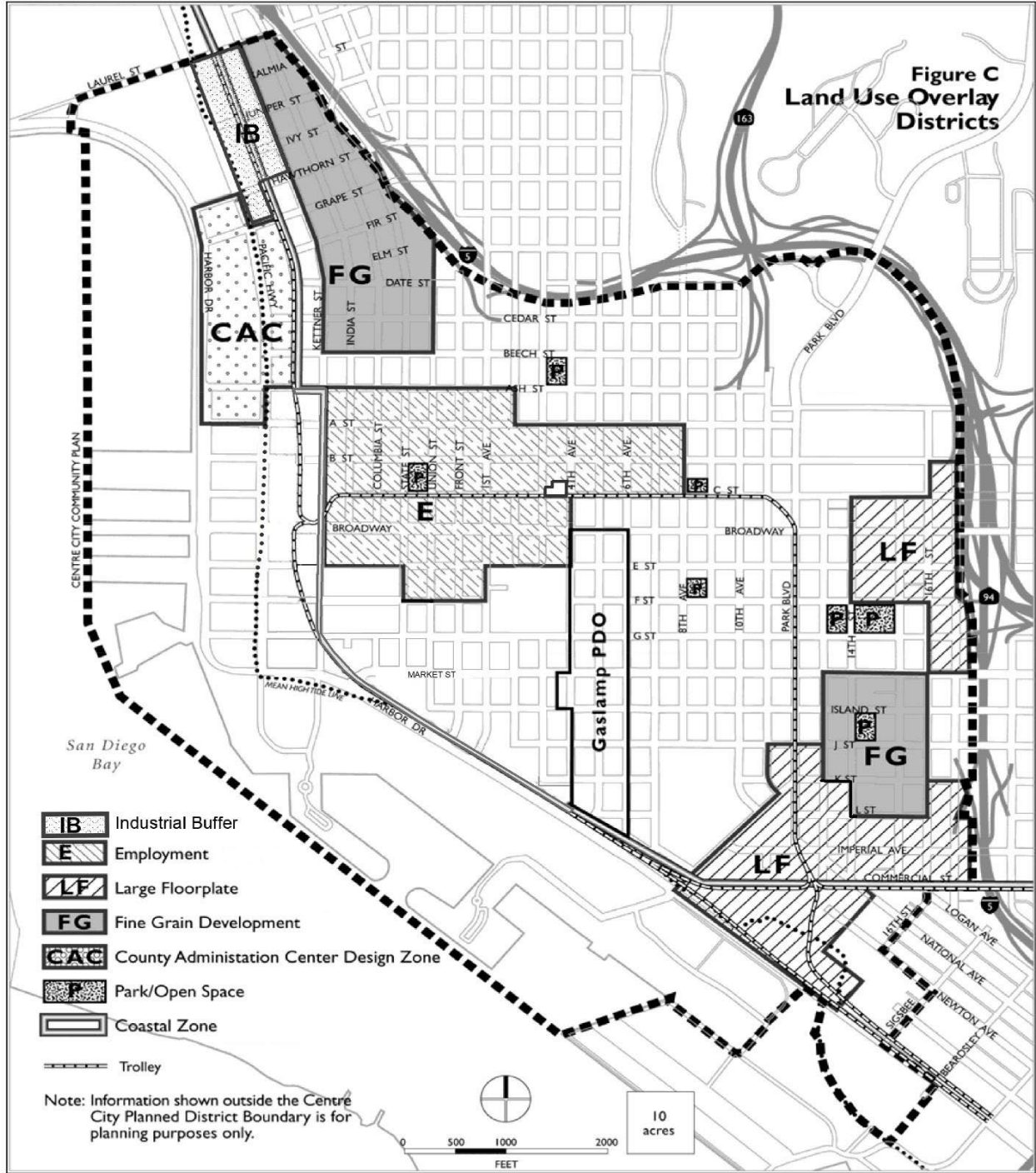
area shall obtain a Neighborhood Use Permit in accordance with a
Process Two.

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

Figure B: Land Use Districts

[No change in text.]





**Figure D: Main Street Overlay and Commercial Street Overlay through Figure H: Base
Minimum & Maximum FAR**

[No change in text.]

Figure J: Maximum FAR Through Bonus Payment

[No change in text.]

**Figure M: Public Park Sun Access Height Limits through Figure N: Little Italy Sun Access
Maximum Building Envelope**

[No change in text.]

Article 7: ~~Gaslamp Quarter~~ Planned Districts

Division 1: ~~General Rules~~ Gaslamp Quarter Planned District

§157.0101 Purpose and Intent

~~The downtown area of the City of San Diego began within the area currently known as the Gaslamp Quarter Planned District and contains the highest concentration of historically significant commercial *structures* in the City of San Diego. In 1980, the entire Gaslamp Quarter Planned District was listed as a *historical district* on the National Register of Historic Places. The National Register designation includes, but it not limited to, architecturally significant *structures* built between 1873 and 1930. The purpose of the Gaslamp Quarter Planned District Ordinance is to establish design and *development* criteria to ensure that the *development* and redevelopment of the Gaslamp Quarter Planned District (District) and Gaslamp Quarter Historical District implement the goals of the Downtown Community Plan.~~

The distinctive historical character of the District will be retained and enhanced by established procedures and regulations that are deemed necessary to:

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

§157.0103 Administration

The City Manager is responsible for the planning and zoning functions of the City of San Diego within the Gaslamp Quarter Planned District. The City Manager, or his or her designee, shall administer the Gaslamp Quarter Planned District Ordinance as set forth in this Article and ensure compliance with the regulations and procedures of this Article, the Gaslamp Quarter Planned District Design Guidelines, the Downtown Community Plan, the Centre City Streetscape Manual, ~~the Centre City Redevelopment Plan~~, and any other policies or guidelines adopted by the City of San Diego to implement the Downtown Community Plan.

§157.0104 Applicable Regulations

Where not otherwise specified in this Article, the following regulations of the Land Development Code, including all Articles and Divisions within each Chapter unless otherwise stated, shall apply.

- Chapter 11 Land Development Procedures
- Chapter 12 Land Development Reviews
- Chapter 13 Zones
- Chapter 14 General Regulations
- Chapter 15 Planned Districts, Article 1, Division 1

Where there is a conflict between the applicable regulations of the Land Development Code and this Article, the regulations of this Article shall govern.

(a) Gaslamp Quarter Planned District Design Guidelines

(1) The Gaslamp Quarter Planned District Design Guidelines supplement the regulations set forth in this Article and include review procedures, standards, and guidelines for *development* within the Gaslamp Quarter Planned District. Where there is a conflict between ~~regulations~~ of the Gaslamp Quarter Planned District Design Guidelines and this Article, the regulations of this Article shall govern.

(2) The Gaslamp Quarter Planned District Design Guidelines may be amended ~~as needed to comply with revisions to local, state or federal law. The document may be amended~~ in either one of the following ways:

(A) Minor amendments shall be approved by the City Manager and shall be filed in the office of the City Clerk as errata sheets to Document No. RR-306002. Minor amendments shall include changes ~~to clarify language or concepts, to reformat or reorganize language, or to reflect new or outdated technology or techniques~~ that do not qualify as a major amendment; or

- (B) Major amendments shall be reviewed by the Planning Commission and the Historical Resources Board and approved by the City Council. Major amendments shall include any changes that ~~do not qualify as a minor amendment~~. Major amendments shall be reviewed by the ~~Planning Commission and the Historical Resources Board~~ prior to approval by the City Council modify general design regulations for new buildings or *designated historical resources*.

§157.0105 Gaslamp Quarter Approvals and Permits

(a) Approvals

- (1) In accordance with the processes set forth in this Article, the City Manager’s or their designee’s approval is required prior to the commencement of any of the following activities:

- (A) New construction of any *structure*;
(B) Grading;
(C) Demolition of any *structure*;
(D) Additions to any existing *structures*;
(E) Alterations or remodeling of the exterior of any existing *structures*;
(F) Installation of any *awning*;
(G) Installation of any *sign*;
(H) Painting the exterior of any *structures*;

- (I) Installation of any sidewalk café;
 - (J) Installation of any exterior utilities visible from or within the *public right of-way*; or
 - (K) Installation of any exterior mechanical equipment or ductwork.
- (2) The City Manager’s or their designee’s approval, in accordance with Process One, is required for minor alterations to a *historical resource* consistent with the Secretary of the Interior’s Standards and in accordance with Chapter 14, Article 3, Division 2 of the Land Development Code, this Article, and the Gaslamp Quarter Planned District Design Guidelines. For purposes of this section, “Minor alterations” means activities that:
- (A) Enhance, restore, maintain, repair or allow adaptive reuse of a *historical resource*;
 - (B) Do not adversely affect the special character or special historical, architectural, archeological, or cultural value of the *historical resource*; and
 - (C) Will conform to the standards embodied in the designation of the *historical district*.

(b) Permits

(1) Conditional Use Permit

- (A) A Conditional Use Permit, in accordance with Process Three, is required for the following uses:

- (i) Establishments providing live music, entertainment or dancing, as provided in Section 157.0111(c)(2) and (4);
 - (ii) Establishments engaged in the sale of alcoholic beverages for consumption off the *premises*; and
 - (iii) Ground floor uses over 10,000 square feet.
 - (B) Conditional Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 3 of the Land Development Code and Chapter 14, Article 1 of the Land Development Code.
- (2) Site Development Permit
 - (A) A Site Development Permit, in accordance with Process Four, is required for substantial alterations, as defined in Section 143.0250 of the Land Development Code, to a *historical resource*.
 - (B) Site Development Permits for substantial alterations shall be reviewed and considered pursuant to this Article and Chapter 14, Article 3, Divisions 2 and 3 of the Land Development Code and consistent with applicable provisions of Chapter 12, Article 6, Division 5 of the Land Development Code.

§157.0106 **Removal of Damaged Historical Resources**

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

§157.0107 **Character of the Area**

The Gaslamp Quarter is unique in that it marks the earliest development in downtown San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and early 20th century *structures*. The District is valued for its historical significance not only at the local level by the City of San Diego and also on a national level by the United States Department of the Interior.

The architecture of the area is characterized by *structures* erected during a 57 year period from 1873 to 1930. The *structures* are typically 2 to 4 *stories* high and are constructed of common brick with continuous facades at the *property line*.

Ground-floors are frequently 20 feet high with cornices separating them from the upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The front sides of the structures are often designed with closely set bays framed with segmental, stilted, or flat arches that are 10 to 12 feet apart. The openings are deep-set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets, and bay windows are also typical design elements of the structures.

§157.0108 **General Design Regulations for New Buildings**

The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any development for which a permit is applied under this Article. Nothing in this Article shall preclude the use of any affordable housing density bonus programs identified in Chapter 14, Article 3, Division 7 of the Land Development Code so long as the development maintains consistency with the Secretary of Interior’s Standards for historical resources.

(a) Building Height Regulations

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

Uninhabited roof structures that conceal mechanical equipment or elevator or stair overruns are exempt from this requirement when they are set back from the front property line by at least 15 feet, are not visible from the public right-of-way, and do not project above a 45-degree plane inclined

inward from the top of the parapet(s) of any street wall adjoining a *public right-of-way*; up to a maximum height of 30 feet.

- (1) All structures must maintain a minimum height of 30 feet at the property line.
- (2) Building heights shall be a maximum of 75 feet.
- (3) Building height may be increased to a maximum of 101 feet on parcels 20,000 square feet or more subject to the following:
 - (A) The site contains no contributing *historical resource*.
 - (B) The *development* shall not exceed an *FAR* of 6.0.
 - (C) Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from Fifth Avenue *public right-of-way*.
 - (D) Additional stories comply with all applicable massing, architectural style, material use, articulation, setbacks, and fencing standards set forth in the Gaslamp Quarter Planned District Design Guidelines.
- (4) Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more subject to the following:
 - (A) The maximum *FAR* shall not exceed 6.0.
 - (B) Building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*.
 - (C) The site contains no contributing *historic resource*.

(D) On sites containing any contributing *historic resource*, the *development* shall be approved in accordance with Process 5, provided that the City Council finds the *development* offers significant architectural, aesthetic, and community benefits to the Gaslamp Quarter Planned District.

(b) *Street Wall Requirements*

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

(1) The *street wall* of all *structures* shall be continuous at the *property line* except for storefront entry. Doors shall not project into the *public right-of-way* by more than 12 inches.

(2) *Street wall* glazing shall be deeply recessed with detailed window frames permitted to protrude beyond the front face of the building. Cornices, bay windows, and ornamentation may project into the *public right-of-way* at upper levels to a distance no greater than 4 feet.

(3) Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.

(4) Façades located along Fourth, Fifth and Sixth Avenues shall incorporate at least one primary entrance from the *public right-of-way* within that façade. A minimum of 60 percent of the street facing building façades along Fourth, Fifth and Sixth Avenues

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

(c) Floor-to-Floor Heights

(1) The ground-floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish floor to finish floor.

(2) The exterior façades must respect the floor-to-floor heights typical of adjoining structures. A lesser floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.

(d) Building Façade Design Criteria

(1) All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.

(2) The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.

(3) A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.

(4) Storefronts shall consist of large glass panels with bulkheads below.

(5) Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.

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

(e) Architectural Fabric and Materials

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

(f) Additional Stories Requirements

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

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

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

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

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

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

§157.0109 **General Guidelines for Designated Historical Resources**

(a) General Considerations

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

Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historical Buildings.

(b) Code and Zoning Considerations

The California Historical Building Code (Chapter 8, Title 24, California Code of Regulations) applies to reviews of qualified *historical structures*.

§157.0110 Permitted Uses

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

The uses allowed in the Gaslamp Quarter Planned District are shown in Table 157-0110-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

<u>Table 157-0110-A: GASLAMP QUARTER PLANNED DISTRICT USE REGULATIONS</u>				
<u>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</u>				
<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Antique shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Art galleries</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Bakeries including combination retail/wholesale establishments</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Barber shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Beauty shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Bicycle shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	

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<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Bookstores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Boutiques</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Camera shops/photographic equipment, supplies and film processing</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Clothing stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Confectionaries (candy stores)</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Decorator and home accessory shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Delicatessens</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Drafting and blueprint services</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Drug stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Entertainment centers, either freestanding or operating in conjunction with any other permitted use</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Entertainment establishments, as defined in §33.1502 of the San Diego Municipal Code</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>§157.0111</u>
<u>Financial institutions</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Florists</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Food stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Furniture stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hardware stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hobby shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Hotel lobbies</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Ice cream parlors</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Import and art objects stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Jewelry stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Locksmith shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Leather goods stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Luggage shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	

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S = Site Development Permit Required				
<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Medical appliance sales</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Music stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Office furniture and equipment sales</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Pawn shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Personal services</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Pet shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Photographic studios</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Post offices</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Radio and television studios</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Restaurants (excluding drive- in and drive-thru restaurants)</u>	<u>P</u>	<u>--</u>	<u>--</u>	<u>§157.0111</u>
<u>Retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe repair shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Shoe shine parlors</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Sporting goods stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Stationers and card shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Theaters</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Tobacco shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Travel agencies</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Variety stores</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Wedding shops</u>	<u>P</u>	<u>--</u>	<u>--</u>	
<u>Addressing, secretarial and telephone answering services</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists)</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Dwelling units</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Electronic data processing, tabulating, and record keeping</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Funeral parlors</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Hotel guest rooms</u>	<u>--</u>	<u>P</u>	<u>--</u>	
<u>Labor unions and trade associations</u>	<u>--</u>	<u>P</u>	<u>--</u>	

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S = Site Development Permit Required				
<u>Use Categories/ Subcategories</u>	<u>Any Floor of a Building</u>	<u>Only Above or Below the First Floor of a Building</u>	<u>Specialized Uses on Any Floor</u>	<u>Additional Regulations</u>
<u>Lithography shops</u>	==	<u>P</u>	==	
<u>Medical, dental, biological, and x ray laboratories</u>	==	<u>P</u>	==	
<u>Newspaper plants</u>	==	<u>P</u>	==	
<u>Photographic equipment, supplies, and film processing in connection with wholesale uses only</u>	==	<u>P</u>	==	
<u>Private clubs, fraternal organizations, and lodges</u>	==	<u>P</u>	==	
<u>Wholesaling and warehousing</u>	==	<u>P</u>	==	
<u>Charitable organizations (nonprofit or otherwise) and accessory uses</u>	==	==	<u>P</u>	
<u>Churches as an accessory use only</u>	==	==	<u>P</u>	
<u>Museums</u>	==	==	<u>P</u>	
<u>Tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego</u>	==	==	<u>P</u>	
<u>Transitional housing facilities</u>	==	==	<u>L</u>	<u>§141.0313</u>
<u>Permanent supportive housing</u>	==	==	<u>L</u>	<u>§141.0313</u>

(a) Prohibited Uses

The following uses shall be prohibited in the entire District as both primary and accessory uses:

- (1) Card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;
- (2) Correctional placement facilities as described in Section 141.0406;
- (3) Drive-through businesses; and

(4) Mobile food trucks as described in Section 141.0612.

(b) Special Regulations for Ground-Floor Uses

Uses may not occupy more than 10,000 square feet on the ground-floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0111(d).

Previously conforming ground-floor uses occupying more than 10,000 square feet may continue to exist on the ground-floor as a previously conforming use subject to Chapter 12, Article 7, Division 1 of the Land Development Code. The ground-floor use may expand into a basement or upper floor only if permitted in accordance with this Division.

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

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

§157.0111 **Separately Regulated Uses**

(a) **Alcoholic Beverage Sales for On-Site Consumption**

- (1)** **Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption.**
- (2)** **A Neighborhood Use Permit shall be required for the restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available.**

(b) **Alcoholic Beverage Sales for Off-Site Consumption**

- (1)** **Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.**
- (2)** **Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an *accessory use* to the following *primary***

uses:

- (A)** **Delicatessens;**
- (B)** **Drug stores/convenience stores;**
- (C)** **Food and retail stores;**
- (D)** **Restaurants; or**
- (E)** **Micro-breweries or brew pub.**

- (3) No wine or distilled spirits shall be sold in containers of less than seven-hundred-fifty (750) milliliters.
- (4) No malt beverage products shall be sold in less than six-pack quantities per sale.
- (5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the *primary use*.
- (6) 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.
- (7) After considering the facts presented in the application, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The Hearing Officer may grant exceptions to sections 157.0111(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing and if the Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division:
 - (A) Entertainment uses or activities or amusement devices on the premises;

- (B) Hours of operation for sales of alcoholic beverages;
- (C) Security measures;
- (D) Potential noise impacts to residential occupants; and
- (E) Lighting, litter and nuisance abatement or any other special requirements for the premises.

(c) Live entertainment

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

(1) Acoustic live entertainment

(A) Restaurants which offer made-to-order food products during all business hours may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.

(B) Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with Process Two. The performances shall not be audible outside the establishment.

(2) Non-acoustic live entertainment

- (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 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 157.0111(c)(1) or (2), if the live entertainment is not audible outside of the building.
- (4) Live entertainment located outside of an enclosed building
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 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) Ground-Floor Uses Over 10,000 Square Feet

The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:

- (1) Uses shall not occupy more than 150 feet of continual lineal *street frontage* including around block corners;
- (2) Additional pedestrian entrances shall be provided for *street frontages* greater than 100 feet; and
- (3) The proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the *Gaslamp Quarter Planned District*.

§157.0112 Off-Street Parking Requirements

- (a) There shall be no required minimum parking for any uses in the Gaslamp Quarter Planned District. The maximum parking requirements as outlined in Table 157-0112-A shall apply.
- (b) Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five *dwelling units*. Bicycle storage areas shall be enclosed with access

restricted to authorized persons. Any common storage area to serve more than one *dwelling unit* shall provide racks or fixtures on which to lock individual bicycles.

(c) **Provided Parking.** If one or more *off-street parking spaces* are provided in a *development*, then the following requirements apply:

- (1) *The off-street parking spaces shall consist only of unbundled parking.*
- (2) *The number of accessible off-street parking spaces shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).*
- (3) *The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.*
- (4) *One motorcycle parking space shall be provided for every ten parking spaces.*
- (5) *Reasonable accommodations to the parking requirements shall be granted if necessary, to afford disabled persons equal housing opportunities under state and federal law, in accordance with Section 131.0466.*

(d) **Maximum Parking.** *Off-street parking spaces in tandem or within a mechanical automobile lift are not counted as additional off-street parking space. A development may exceed the maximum off-street parking spaces identified in Table 157-0112-A if all of the following apply:*

- (1) At least 20 percent of the total off-street parking spaces provided include electric vehicle supply equipment for the ready installation of charging stations;
- (2) The development provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and
- (3) Any off-street parking spaces shall be within an underground parking garage.

<u>TABLE 157-0112-A: OFF-STREET PARKING REQUIREMENTS</u>	
<u>Use Category</u>	<u>Maximum</u>
<u>Office</u>	<u>1.5 spaces per 1,000 sf</u>
<u>Commercial/Retail</u>	<u>1.0 spaces per 1,000 sf</u>
<u>Hotel</u>	<u>0.3 spaces per room</u>
<u>Dwelling Units including Permanent Supportive Housing</u>	<u>1.0 spaces per dwelling unit</u>

§157.0113 Signs

The Gaslamp Quarter Design Guidelines set forth design standards for structure, content, lettering, location, size, number, illumination, color, projection and other characteristics for all signs in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.

§157.0114 Awnings and Canopies

Awnings and canopies were used historically in the Gaslamp Quarter Planned District. All new awnings and canopies shall be designed in compliance with the Gaslamp Quarter Design Planned District Guidelines.

§157.0115 Sidewalk Cafes

Sidewalk cafes shall comply with Sections 141.0621 and 157.0111(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines.

§157.0116 Digital Services

Although automated digital devices, such as automatic teller machines (ATM's), electronic ticketing, or video displays, are not considered to be compatible with the *historical district*, they are convenient and therefore allowed so long as they are located to minimize their visual impact. Such devices may be installed only adjacent to or on the exterior of a non-contributing building.

§157.0117 Public Facilities, Structures and Area

All open spaces, *streets*, sidewalks, street furniture, street *signs*, lighting installations, and any incidental *structures* or monuments, shall conform with the intent of this Article, which is to complement the history and character of the Gaslamp Quarter Planned District in general accord with the period between 1873 to 1930 and shall be subject to the same regulations, conditions and standards established herein.

§157.0118 Rooftop *Antennae* and Satellite Dishes

Cellular telephone *antennas* or satellite dishes are permitted on *historical buildings* or contributing *structures*, to the extent required by federal or state law. Cellular telephone *antenna*, satellite dishes, and associated screening enclosures on newly constructed buildings shall not be visible from the *public right-of-way*, unless required by federal or state law.

§157.0119 ***Previously Conforming Structures***

All signs, awnings, canopies, sidewalk cafés, ATM’s, rooftop antennae and satellite dishes, or similar elements which are *previously conforming structures* which do not conform to the provisions of this Article or the Gaslamp Quarter Planned District Design Guidelines shall be required to be revised, altered, or removed in order to comply with this Article or the Gaslamp Quarter Planned District Design Guidelines no later than five years from September 11, 2010.

Figure A

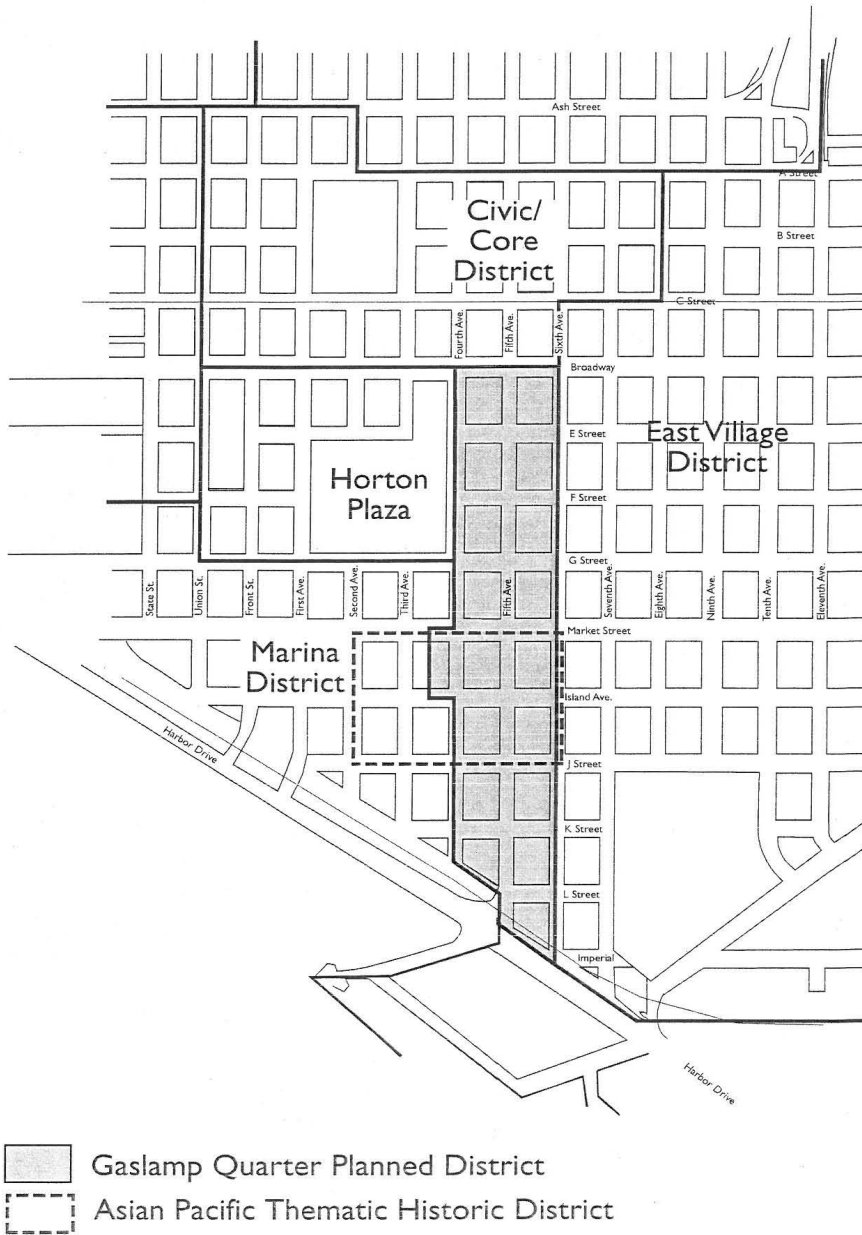


Figure A

Article 7: Gaslamp Planned District

Division 2: Permits and Procedures

§157.0201 Gaslamp Quarter Approvals and Permits

(a) Approvals

(1) ~~The City Manager's or his or her designee's approval is required, in accordance with the processes set forth in this Division, prior to the commencement of any of the following activities:~~

(A) ~~new construction of any *structure*;~~

(B) ~~*grading*;~~

(C) ~~demolition of any *structure*;~~

(D) ~~additions to any existing *structures*;~~

(E) ~~alterations or remodeling of the exterior of any existing *structures*;~~

(F) ~~installation of any *awning*;~~

(G) ~~installation of any *sign*;~~

(H) ~~painting the exterior of any *structures*;~~

(I) ~~installation of any sidewalk café;~~

(J) ~~installation of any exterior utilities visible from or within the *public right of way*; or~~

(K) ~~installation of any exterior mechanical equipment or ductwork.~~

(2) The City Manager's or his or her designee's approval, in accordance with Process One, is required for minor alterations to a *historical resource* consistent with the Secretary of the Interior's Standards and in accordance with Chapter 14, Article 3, Division 2

~~of the Land Development Code, this Article, and the Gaslamp Quarter Planned District Design Guidelines. For purposes of this section, “Minor alterations” means activities that:~~

- ~~(A) enhance, restore, maintain, repair or allow adaptive reuse of a historical resource;~~
- ~~(B) do not adversely affect the special character or special historical, architectural, archeological, or cultural value of the resource; and~~
- ~~(C) will conform to the standards embodied in the designation of the *historical district*.~~

~~The City Manager or his or her designee, may refer the application to the Historical Resources Board for its recommendation prior to taking action on an application for a minor alteration. The provisions of this Section shall not affect the authority of the Historical Resources Board as set forth in Section 111.0206 of the Land Development Code in connection with development permits.~~

~~(b) Permits~~

~~(1) Gaslamp Quarter Development Permit~~

~~A Gaslamp Quarter Development Permit, in accordance with Section 157.0203, is required for new construction involving 1,000 square feet or more of *gross floor area* (GFA) not within an existing *building envelope*.~~

~~(2) Neighborhood Use Permit~~

- (A) ~~A Neighborhood Use Permit, in accordance with Process Two, is required for the following uses:~~
 - (i) ~~Sidewalk cafés in the *public right-of-way* or any other outdoor area for eating or drinking on private property used in connection with a commercial establishment;~~
 - (ii) ~~Deviations to parking requirements pursuant to Section 157.0401(f); or~~
 - (iii) ~~Restaurants, including brew pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available, as provided in Section 157.0305(a)(2).~~
 - (B) ~~Neighborhood Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 2 of the Land Development Code.~~
- (3) Conditional Use Permit
- (A) ~~A Conditional Use Permit, in accordance with Process Three, is required for the following uses:~~
 - (i) ~~Establishments providing live music, entertainment or dancing, as provided in Section 157.0305(c)(2) and (4);~~

- ~~(ii) Establishments engaged in the sale of alcoholic beverages for consumption off the *premises*; and~~
 - ~~(iii) Ground floor uses over 10,000 square feet.~~
 - ~~(B) Conditional Use Permits shall be reviewed and considered pursuant to this Article and consistent with applicable provisions of Chapter 12, Article 6, Division 3 of the Land Development Code and Chapter 14, Article 1 of the Land Development Code.~~
- ~~(4) Site Development Permit~~
 - ~~(A) A Site Development Permit, in accordance with Process Four, is required for substantial alterations, as defined in Section 143.0250 of the Land Development Code, to a *historical resource*.~~
 - ~~(B) Site Development Permits for substantial alterations shall be reviewed and considered pursuant to this Article and Chapter 14, Article 3, Divisions 2 and 3 of the Land Development Code and consistent with applicable provisions of Chapter 12, Article 6, Division 5 of the Land Development Code.~~

§157.0202 Overview of Decision Process

~~Applications for permits and approvals pursuant to subsections (a) and (b) of Section 157.0201 shall be processed in accordance with one of the Process levels established as follows:~~

~~(a) Process One~~

~~An application for a permit or approval processed in accordance with Process One may be approved or denied by the City Manager, or his or her designee, based upon criteria outlined in this Article, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the Centre City Streetscape Manual, and any requirements of the City of San Diego to implement the Downtown Community Plan. A public hearing will not be held.~~

~~(b) Process Two~~

~~An application for a permit or approval processed in accordance with Process Two may be approved, conditionally approved, or denied by the City Manager, or his or her designee, consistent with Section 112.0503 of the Land Development Code. Applicants may appeal Process Two decisions in accordance with Section 112.0504 of the Land Development Code.~~

~~(c) Process Three~~

~~An application for a permit or approval processed in accordance with Process Three may be approved, conditionally approved, or denied by a Hearing Officer consistent with Section 112.0505 of the Land Development Code. Applicants may appeal Process Three decisions in accordance with Section 112.0506 of the Land Development Code.~~

~~(d) Process Four~~

~~An application for permit or approval processed in accordance with Process Four may be approved, conditionally approved, or denied by the Planning Commission consistent with Section 112.0507 of the Land Development Code. Applicants may appeal Process Four decisions to the City Council in accordance with Section 112.0508 of the Land Development Code.~~

(e) ~~Process Five~~

~~An application for permit or approval processed in accordance with Process Five may be approved, conditionally approved, or denied by the City Council consistent with the procedures set forth in Section 112.0509 of the Land Development Code.~~

§157.0203 ~~Gaslamp Quarter Development Permit Procedures~~

(a) ~~Permit Review Process~~

~~All projects requiring a Gaslamp Quarter Development Permit pursuant to Section 157.0201(b)(1) shall be processed as follows:~~

- ~~(1) The City Manager may approve, conditionally approve, or deny new construction of buildings proposed under Section 157.0302(a)(2) in accordance with Process Two.~~
- ~~(2) The City Manager may approve, conditionally approve, or deny new construction proposed under Section 157.0302(a)(3) in accordance with Process Two. The Historical Resources Board shall review and make recommendations on the *development* to the City Manager prior to making a decision on the project.~~

~~(3) The City Council may approve, conditionally approve or deny new construction of buildings up to 125 feet in height with an FAR of up to 6.0 on sites of 30,000 square feet or more located south of Island Avenue, subject to Section 157.0302(a)(4), in accordance with Process Five. The *development* shall be reviewed, and a recommendation provided by the Historical Resources Board and the Planning Commission prior to consideration by the City Council.~~

~~(b) Permit Notice Procedures~~

~~For all projects requiring a Gaslamp Quarter Development Permit, public notice of the application for a Gaslamp Quarter Development Permit shall be provided in accordance with Chapter 11, Article 2, Division 3 of the Land Development Code:~~

~~(e) Permit Determination~~

~~(1) A Gaslamp Quarter Development Permit may be approved or conditionally approved based upon written findings that the project, as submitted or modified, is consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the San Diego Municipal Code and any other adopted plans or policies of the City of San Diego applicable to the Gaslamp Quarter Planned District.~~

~~(2) A Gaslamp Quarter Development Permit may be denied based upon written findings that the project is not consistent with this Article, the Centre City Redevelopment Plan, the Downtown Community Plan, the Gaslamp Quarter Planned District Design Guidelines, the San Diego Municipal Code and any other adopted plans or policies of the City of San Diego applicable to the Gaslamp Quarter Planned District.~~

~~(d) Permit Time Limits~~

~~A Gaslamp Quarter Development Permit approved under this Division will be valid for a period of 3 years from the date of issuance. If a Gaslamp Quarter Development Permit has not been utilized in accordance with Section 126.0108 of the Land Development Code, the Gaslamp Quarter Development Permit may be extended for a period of 3 years pursuant to Section 126.0111 of the Land Development Code.~~

~~(e) Permit Issuance~~

~~Upon approval and issuance of a Gaslamp Quarter Development Permit, the applicant shall be responsible for obtaining all additional permits or licenses necessary for the applicant to complete the project. These additional permits and licenses shall conform to all other applicable regulations and ordinances.~~

§157.0205 Removal of Damaged Historical Resources

If any designated or contributing *historical resource* is damaged by earthquake, fire, or act of God and is determined unsafe by the Building Official, the property

~~owner may apply for a *development* permit to demolish the resource. The permit shall be referred to the Historical Resources Board pursuant to Chapters 11, 12, and 14 of the Land Development Code. Alternatively, the property owner may apply for a permit to restore or reconstruct the *historical resource* in accordance with the Secretary of the Interior’s Standards and the Land Development Code. In the case of an emergency, the City Manager, in consultation with the Building Official and the staff of the Historical Resources Board, may authorize without a public hearing, the minimum amount of work necessary to protect the public health, safety, and welfare, pursuant to Section 143.0214 of the Land Development Code.~~

~~**Article 7: Gaslamp Planned District**~~

~~**Division 3: Zoning and Subdistricts**~~

§157.0301 Character of the Area

~~The Gaslamp Quarter Planned District is unique in that it marks the beginning area of development for downtown San Diego. The area retains much of the original architecture of its early history as a collection of late 19th and early 20th century *structures*. The District is valued for its historical significance not only at the local level by the City of San Diego and also on a national level by the United States Department of the Interior.~~

~~The architecture of the area is characterized by *structures* erected during a 57-year period from 1873 to 1930. The *structures* are typically 2 to 4 *stories* high and are constructed of common brick with continuous facades at the *property line*. Ground floors are frequently 20 feet high with cornices separating them from the~~

~~upper floors. Corbeling is very often found at the terminal cornice, particularly in the case of brick buildings. The front sides of the *structures* are often designed with closely set bays framed with segmental, stilted, or flat arches that are 10 to 12 feet apart. The openings are deep-set and the entrances are typically inset. Heavy ornate cornices and spandrels, carefully detailed parapets, and bay windows are also typical design elements of the *structures*.~~

§157.0302 ~~General Design Regulations for New Buildings~~

~~The City Council has adopted the Gaslamp Quarter Planned District Design Guidelines which contain architectural and design guidelines to be used in evaluating the appropriateness of any *development* for which a permit is applied under this Article.~~

(a) ~~Building Height Regulations~~

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

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

(1) ~~All *structures* must maintain a minimum height of 30 feet at the *property line*.~~

- (2) ~~Building heights may be increased from 1 foot to 60 feet subject to the provisions of Section 157.0203(a)(1).~~
- (3) ~~Building height may be increased from 61 feet to 75 feet subject to the provisions of Section 157.0203(a)(2).~~
- (4) ~~Building height may be increased to a maximum of 125 feet on parcels 30,000 square feet or more located south of Island Avenue, pursuant to Section 157.0203(a)(3), provided that:~~
 - (A) ~~the maximum FAR shall not exceed 6.0; building elements greater than 75 feet in height shall be set back a minimum of 50 feet from the Fifth Avenue *public right-of-way*; and~~
 - (B) ~~the City Council finds that the proposed project offers significant architectural, aesthetic, and community benefits to the District.~~
- (5) ~~Building height may be increased on sites that are north of Island Avenue no more than two additional stories that do not exceed 26 feet above the 75 foot maximum allowable building height subject to the provisions of Section 157.0203(a)(2) and as follows:~~
 - (A) ~~on sites 20,000 square feet or greater containing no contributing *historical structures*;~~
 - (B) ~~the development does not exceed an FAR of 6.0;~~
 - (C) ~~the additional stories must be set back a minimum of 50 feet from Fifth Avenue; and~~

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

(b) *Street Wall Requirements*

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

- (1) ~~The *street wall* of all buildings shall be continuous at the *property line* except for storefront entry. Doors shall not project into the *public right of way* by more than 12 inches.~~
- (2) ~~*Street wall* glazing shall be deeply recessed with detailed window frames permitted to protrude beyond the front face of the building. Cornices, bay windows, and ornamentation may project into the *public right of way* at upper levels to a distance no greater than 4 feet.~~
- (3) ~~Ground floor treatment shall have a traditional storefront character and pedestrian scale in the details.~~
- (4) ~~Facades located along Fourth, Fifth and Sixth avenues shall incorporate at least one primary entrance from the *public right of way* within that façade. A minimum of 60 percent of the street facing building façades along Fourth, Fifth and Sixth avenues shall contain storefronts allowing views of indoor space and direct access from the street.~~

(e) ~~Floor-to-Floor Heights~~

(1) ~~The ground floor height shall be no less than 12 feet and no greater than 20 feet, measured from finish floor to finish floor.~~

(2) ~~The exterior facades of new construction and infill buildings must respect the floor-to-floor heights typical of adjoining *structures*.~~

~~For projects requiring a Gaslamp Quarter Development Permit, a lesser floor height may be permitted to allow for mezzanines and design expression for other contemporary uses.~~

(d) ~~Facade Design Criteria~~

(1) ~~All buildings in the Gaslamp Quarter Planned District shall observe the dominant *historical building* pattern which is characterized by a delineation of a building base, middle, and top.~~

(2) ~~The building base shall be defined by a projecting band and/or articulated recess in a continuous horizontal direction across the *building façade*.~~

(3) ~~A kickplate or bulkhead shall be included, which shall be a minimum of 12 inches and a maximum of 30 inches.~~

(4) ~~Storefronts shall consist of large glass panels with bulkheads below.~~

(5) ~~Storefront frames shall be set back from the building surface by 3 inches. Glass panels shall be set back from the storefront frame a minimum of 1 inch.~~

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

(e) ~~Architectural Fabric and Materials~~

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

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

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

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

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

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

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

§157.0303 General Guidelines for Designated Historical Structures

(a) **General Considerations**

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

(b) **Code and Zoning Considerations**

~~The California Historical Building Code (Chapter 8, Title 24, California Code of Regulations) applies to reviews of qualified *historical structures*.~~

§157.0304 Permitted Uses

~~Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).~~

~~(a) Permitted Uses on Any Floor of a Building~~

~~Retail of consumer convenience goods and dispensing of consumer services from the following establishments located on any floor of a building:~~

- ~~(1) antique shops;~~
- ~~(2) art galleries;~~
- ~~(3) bakeries including combination retail/wholesale establishments;~~
- ~~(4) barber shops;~~
- ~~(5) beauty shops;~~
- ~~(6) bicycle shops;~~
- ~~(7) bookstores;~~
- ~~(8) boutiques;~~

- (9) ~~camera shops/photographic equipment, supplies and film processing;~~
- (10) ~~clothing stores;~~
- (11) ~~computer and copy services stores (including sales, display and copy reproduction) for uses involving printing presses or other large commercial equipment;~~
- (12) ~~confectionaries (candy stores);~~
- (13) ~~condominium sales offices and apartment leasing offices which are utilized primarily for those residential units on the same premises;~~
- (14) ~~decorator and home accessory shops;~~
- (15) ~~delicatessens;~~
- (16) ~~drafting and blueprint services;~~
- (17) ~~drug stores;~~
- (18) ~~entertainment centers, either freestanding or operating in conjunction with any other permitted use;~~
- (19) ~~entertainment establishments, as defined in Section 33.1502 of the San Diego Municipal Code, subject to the provisions of Section 157.0305;~~
- (20) ~~financial institutions;~~
- (21) ~~florists;~~
- (22) ~~food stores;~~
- (23) ~~furniture stores;~~
- (24) ~~hardware stores;~~

- (25) hobby shops;
- (26) hotel lobbies;
- (27) ice cream parlors;
- (28) import and art objects stores;
- (29) jewelry stores;
- (30) locksmith shops;
- (31) leather goods stores;
- (32) luggage shops;
- (33) medical appliance sales;
- (34) music stores;
- (35) office furniture and equipment sales;
- (36) pawn shops;
- (37) personal services;
- (38) pet shops
- (39) photographic studios;
- (40) post offices;
- (41) radio and television studios;
- (42) restaurants (excluding drive-in and drive-thru restaurants), subject to the provisions of Section 157.0305;
- (43) retail produce markets for the sale of fresh fruit, produce, flowers, plants, meat, poultry and groceries;
- (44) shoe stores;
- (45) shoe repair shops;

- (46) shoe shine parlors;
 - (47) sporting goods stores;
 - (48) stationers and card shops;
 - (49) theaters;
 - (50) tobacco shops;
 - (51) travel agencies;
 - (52) variety stores; and
 - (53) wedding shops.
- (b) ~~Permitted Uses Only Above or Below the First Floor of a Building~~
- (1) ~~addressing, secretarial and telephone answering services;~~
 - (2) ~~business and professional office uses (such as accountants, advertising agencies, architects, attorneys, contractors, doctors, real estate agencies, engineers, insurance brokers, securities brokers, surveyors, and graphic artists);~~
 - (3) *dwelling units;*
 - (4) ~~electronic data processing, tabulating, and record keeping;~~
 - (5) ~~funeral parlors;~~
 - (6) ~~hotel guest rooms;~~
 - (7) ~~labor unions and trade associations;~~
 - (8) ~~lithography shops;~~
 - (9) ~~medical, dental, biological, and x-ray laboratories;~~
 - (10) ~~newspaper plants;~~

- (11) ~~photographic equipment, supplies, and film processing in connection with wholesale uses only;~~
- (12) ~~private clubs, fraternal organizations, and lodges; and~~
- (13) ~~wholesaling and warehousing.~~

(e) ~~Permitted Specialized Uses on Any Floor~~

- (1) ~~charitable organizations (nonprofit or otherwise) and *accessory uses*;~~
- (2) ~~*churches* as an *accessory use* only;~~
- (3) ~~museums; and~~
- (4) ~~tourists and historical information centers which are facilities where visitors or residents are given assistance and information about the historical nature of the Gaslamp Quarter Planned District and downtown area of the City of San Diego.~~
- (5) ~~transitional housing facilities, which are permitted as a Limited Use in accordance with Section 141.0313.~~
- (6) ~~*permanent supportive housing*, which is permitted as a Limited Use in accordance with Section 141.0315.~~

(d) ~~Prohibited Uses~~

~~The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:~~

- (1) ~~card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;~~

- (2) ~~correctional placement facilities pursuant to Section 141.0406;~~
- (3) ~~drive-through businesses; and~~
- (4) ~~mobile food trucks as described in Section 141.0612.~~

(e) ~~Special Regulations for Ground Floor Uses~~

~~Uses may not occupy more than 10,000 square feet on the ground floor of any building unless a Conditional Use Permit has been approved for such a use pursuant to Section 157.0305(d).~~

~~Previously conforming ground floor uses occupying more than 10,000 square feet may continue to exist on the ground floor as a previously conforming use subject to Chapter 12, Article 7, Division 1 of the Land Development Code. The ground floor use may expand into a basement or upper floor only if permitted in accordance with this Division.~~

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

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

out into the *public right-of-way* for more than half the width of the sidewalk from *property line* to curb.

§157.0305 Separately Regulated Uses

~~(a) Alcoholic Beverage Sales for On-Site Consumption~~

- ~~(1) Restaurants which offer made-to-order food products during all business hours shall not be required to obtain a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption.~~
- ~~(2) A Neighborhood Use Permit shall be required for the restaurants, including brew-pubs or micro-breweries, engaged in the sale of alcoholic beverages for on-site consumption during business hours when made-to-order food products are not available.~~

~~(b) Alcoholic Beverage Sales for Off-Site Consumption~~

- ~~(1) Stores greater than 10,000-square feet in floor area where the shelving allocated to alcoholic beverages does not exceed 10 percent of the total shelving within the store, shall not be required to obtain a Conditional Use Permit.~~
- ~~(2) Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit and shall be an *accessory use* to the following *primary uses*:~~
 - ~~(A) delicatessens;~~
 - ~~(B) drug-stores/convenience stores;~~
 - ~~(C) food and retail stores;~~

- ~~(D) restaurants; or~~
- ~~(E) micro breweries or brew pub.~~
- ~~(3) No wine or distilled spirits shall be sold in containers of less than seven hundred fifty (750) milliliters.~~
- ~~(4) No malt beverage products shall be sold in less than six pack quantities per sale.~~
- ~~(5) Quarterly gross sales of alcoholic beverages shall not exceed 25 percent of the quarterly gross sales of the *primary use*.~~
- ~~(6) 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.~~
- ~~(7) After considering the facts presented in the application, a Hearing Officer may grant a Conditional Use Permit at the hearing if it is concluded that all of the applicable criteria set forth in this Division have been met. The Hearing Officer may grant exceptions to sections 157.0305(b)(5) and (6) above if notice of the proposed exception is included in the public notice of the hearing and, if the Hearing Officer finds that the proposed use and operations are compatible with existing and planned surrounding land uses. In granting the Conditional Use Permit, the Hearing Officer may impose additional conditions as deemed necessary and desirable to protect the public health, safety, and welfare which address the following issues to ensure compliance with the provisions of this Division:~~

- (A) ~~entertainment uses or activities or amusement devices on the premises;~~
- (B) ~~hours of operation for sales of alcoholic beverages;~~
- (C) ~~security measures;~~
- (D) ~~potential noise impacts to residential occupants; and~~
- (E) ~~lighting, litter and nuisance abatement or any other special requirements for the premises.~~

(e) ~~Live entertainment~~

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

(1) ~~Acoustic live entertainment~~

- (A) ~~Restaurants which offer made to order food products during all business hours may offer performances by live acoustic musicians, dancers, or similar performers as an accessory use up to 11:00 p.m., if the entertainment is not audible outside of the establishment.~~
- (B) ~~Any other establishment offering performances by live acoustic musicians, dancers, or similar performers shall obtain a Neighborhood Use Permit in accordance with~~

~~Process Two. The performances shall not be audible outside the establishment.~~

- (2) ~~Non-acoustic live entertainment~~
 - (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~~

~~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) Uses Containing Outdoor Areas for Eating or Drinking~~

~~Establishments with outdoor areas for eating or drinking located either on private property or in the *public right-of-way* in connection with a commercial establishment shall be required to obtain a Neighborhood Use Permit in accordance with Process Two.~~

~~(e) Ground Floor Uses Over 10,000 Square Feet~~

~~The following findings must be made for approval of a Conditional Use Permit for uses occupying more than 10,000 square feet on the ground floor:~~

~~(1) uses shall not occupy more than 150 feet of continual lineal *street frontage* including around block corners;~~

~~(2) pedestrian entrances shall be provided for *street* frontages greater than 100 feet; and~~

~~(3) the proposed use and the design will create a lively pedestrian experience consistent with the goals and policies adopted for the Gaslamp Quarter Planned District.~~

~~Article 7: Gaslamp Planned District~~

Division 4: General and Supplemental Regulations

§157.0401 Off-Street Parking Requirements

- (a) ~~There shall be no required minimum parking for any uses in the Gaslamp Quarter Planned District. The maximum parking requirements as outlined in Table 157-0401-A shall apply.~~
- (b) ~~Bicycle Storage. Secured bicycle storage shall be provided at a ratio of one area reasonably sized to accommodate one bicycle for every five dwelling units. Bicycle storage areas shall be enclosed with access restricted to authorized persons. Any common storage area to serve more than one dwelling unit shall provide racks or fixtures on which to lock individual bicycles.~~
- (c) ~~Provided Parking. If one or more off-street parking spaces are provided in a development, then the following requirements apply:~~
 - (1) ~~The off-street parking spaces shall consist only of unbundled parking.~~
 - (2) ~~The number of accessible off-street parking spaces shall be provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code).~~
 - (3) ~~The number of off-street electric vehicle charging spaces shall be provided in accordance with the California Green Building Standards Code.~~
 - (4) ~~One motorcycle parking space shall be provided for every ten parking spaces.~~

(5) ~~Reasonable accommodations to the parking requirements shall be granted if necessary, to afford disabled persons equal housing opportunities under state and federal law, in accordance with Section 131.0466.~~

(d) ~~Maximum Parking. Off street parking spaces in tandem or within a mechanical automobile lift are not counted as additional off street parking space. A development may exceed the maximum off street parking spaces identified in Table 157-0401-A if all of the following apply:~~

- (1) ~~At least 20 percent of the total off street parking spaces provided include electric vehicle supply equipment for the ready installation of charging stations;~~
- (2) ~~The development provides transportation amenities in accordance with Section 142.0528(c) worth at least four points; and~~
- (3) ~~Any off street parking spaces shall be within an underground parking garage.~~

TABLE 157-0401 A: OFF-STREET PARKING REQUIREMENTS			
Use Category	Minimum	Maximum	Notes
Office		1.5 spaces per 1,000 sf	
Commercial/Retail		1.0 spaces per 1,000 sf	
Hotel		0.3 spaces per room	
<i>Dwelling Units including Permanent Supportive Housing</i>		1.0 spaces per dwelling unit	

§157.0402 Signs

~~The Gaslamp Quarter Design Guidelines set forth design standards for structure, content, lettering, location, size, number, illumination, color, projection and other characteristics for all *signs* in the Gaslamp Quarter. All signage shall be designed in compliance with the Gaslamp Quarter Design Guidelines.~~

§157.0403 Awnings and Canopies

~~Awnings and canopies were used historically in the Gaslamp Quarter Planned District. All new *awnings* and canopies shall be designed in compliance with the Gaslamp Quarter Design Planned District Guidelines which set forth standards for configuration, placement, and materials.~~

§157.0404 Sidewalk Cafés

~~Sidewalk cafes shall comply with Sections 141.0621 and 157.0305(c) of the Land Development Code and the Gaslamp Quarter Planned District Design Guidelines.~~

§157.0405 Automatic Teller Machines (ATM's)

~~In general, ATM's (or other similar electronic ticketing or video displays) are not considered to be compatible with the *historical district*. However, as a desirable convenience in today's society, such devices shall be located to minimize their visual impact. Such devices shall ATMS may be installed only on the exterior of a non-contributing building provided they meet the criteria set forth in the Gaslamp Quarter Planned District Design Guidelines.~~

§157.0406 Public Facilities, Structures and Area

~~All open spaces, *streets*, sidewalks, street furniture, street *signs*, lighting installations, and any incidental *structures* or monuments, shall conform with the~~

~~intent of this Article, which is to complement the history and character of the Gaslamp Quarter Planned District in general accord with the period between 1873 to 1930 and shall be subject to the same regulations, conditions and standards established herein.~~

§157.0407 ~~Rooftop Antennae and Satellite Dishes~~

~~Cellular telephone *antennas* or satellite dishes are permitted on *historical buildings* or contributing *structures*, to the extent required by federal or state law. Cellular telephone *antenna*, satellite dishes, and associated screening enclosures on newly constructed buildings shall not be visible from the *public right-of-way*, unless required by federal or state law.~~

§157.0408 ~~Previously Conforming Structures~~

~~All *signs, awnings, canopies, sidewalk cafés, ATM's, rooftop antennae* and satellite dishes, or similar elements which are *previously conforming structures* which do not conform to the provisions of this Article or the Gaslamp Quarter Planned District Design Guidelines shall be required to be revised, altered, or removed in order to comply with this Article or the Gaslamp Quarter Planned District Design Guidelines no later than five years from September 11, 2010.~~

Article 15: Gaslamp Quarter Planned District

Figure A

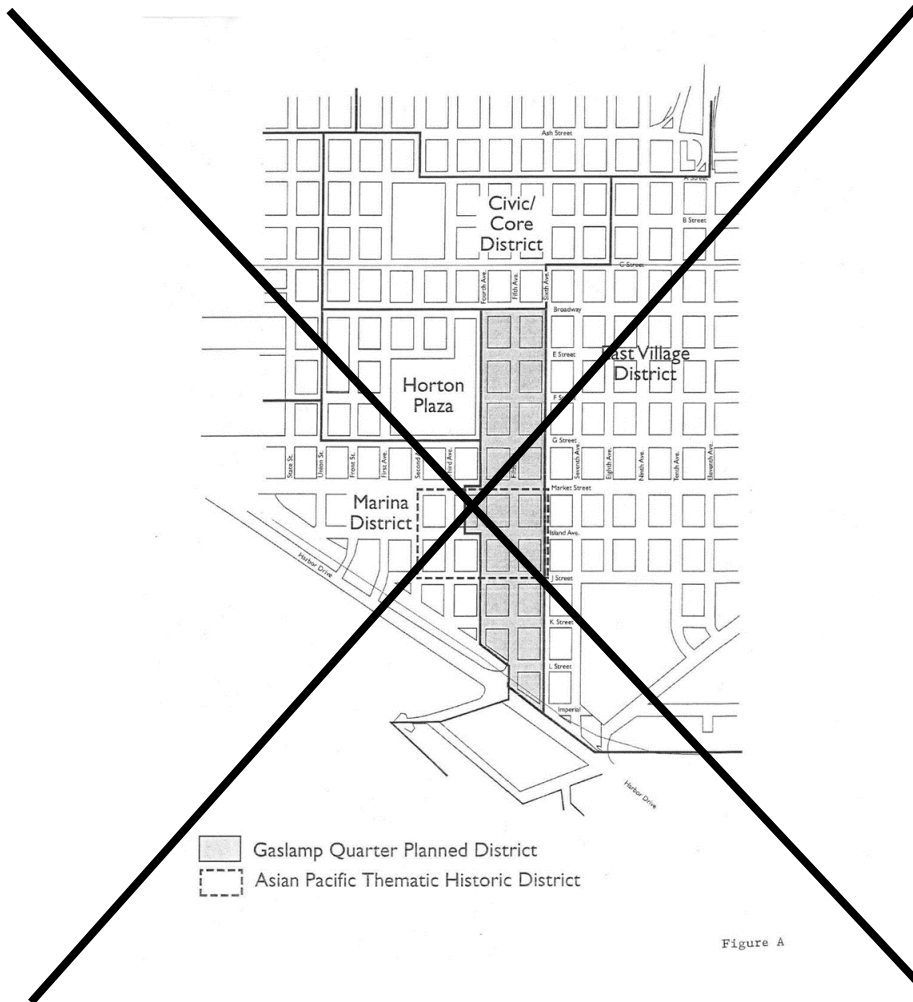


Figure A

NJB:nja:cw:nja
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