

(O-2012-81) 51 (A)
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ORDINANCE NUMBER O- 20152 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 07 2012

AN ORDINANCE AMENDING ORDINANCE O-19471, SECTION 1, AMENDING CHAPTER 15, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REVISING SECTIONS 151.0303(e)(1)(B)(iii), 151.0303(e)(1)(C)(ii), 151.0309(e)(1)(F), 151.0309(g)(3), AND 151.0309(g)(6)(D), ALL RELATING TO THE CENTRE CITY PLANNED DISTRICT.

WHEREAS, the City Council of the City of San Diego has, by ordinance, determined that certain land use processing and approvals required participation or approvals by the Redevelopment Agency of the City of San Diego; and

WHEREAS, due to the passage of Assembly Bill x1 26 (AB 26), Statutes of 2011, the Redevelopment Agency of the City of San Diego was dissolved, effective February 1, 2012; and

WHEREAS, amendments to the Centre City Planned District Ordinance were made in 2006 pursuant to Ordinance O-19471, but have not yet been certified as local coastal program amendments by the California Coastal Commission; and

WHEREAS, the above ordinance needs revision to remove reference to the Redevelopment Agency of the City of San Diego where used to refer to funding or land use approval authority and replace with references to appropriate funding and agency; and

WHEREAS, all other amendments made by the above ordinance retain their legal effect;
NOW, THEREFORE,

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BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That ordinance O-19471, section 1, amending Chapter 15, Article 1, Division 3 of the San Diego Municipal Code is revised only as to sections 151.0303(e)(1)(B)(iii), 151.0303(e)(1)(C)(ii), 151.0309(e)(1)(F), 151.0309(g)(3), and 151.0309(g)(6)(D) to read as follows:

§151.0303 Administration and Permits

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

(e) *Centre City Development Permit Process*

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

(A) [No change in text.]

(B) *Design Review.* The Centre City Development Corporation shall serve as the *Design Review* board for Centre City projects, subject to the following thresholds and procedures for review and approval of such projects.

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

(iii) Projects that require financial assistance from Community Redevelopment Law funds shall also be reviewed and approved by the City Council, which shall have the final *Design Review* approval authority for such projects.

(iv) [No change in text.]

(C) Required Public Notice. Public notice of projects in the Centre City Planned District shall be provided in accordance with the following procedures.

(i) [No change in text.]

(ii) Projects which require *Design Review* approval by the *CCDC* Board of Directors or the City Council shall be required to be noticed to the surrounding neighborhood in accordance with Section 112.0302 of the Land Development Code. A Notice of Application will be mailed to those parties listed in this Section. Further notice shall be provided to all persons requesting such notice of review meetings and/or decisions.

(iii) [No change in text.]

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

(2) [No change in text.]

§151.0309 Floor Area Ratio (*FAR*) Regulations and Transfer of Development Rights (*TDRs*)

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

(e) *FAR Bonuses*

[No change in text.]

TABLE 0309-A: *FAR BONUS*

[No change in text.]

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

In compliance with the State Density Bonus Law (California Government Code Sections 65915-65917), projects may earn additional *FAR* subject to the provisions below.

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

TABLE 0309-B: FAR BONUSES (%)

[No change in text.]

- (F) The affordable housing units provided in the project which qualify for the bonus shall be restricted per Chapter 14, Article 3, Division 7, except for those for-sale units required to be restricted in perpetuity, per Table 0309-B. For projects requesting Community Redevelopment Law funds or other agreements, additional restrictions may be requested for the units to qualify as affordable units under applicable laws.

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

(2) through (8) [No change in text.]

(f) [No change in text.]

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

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

(3) Allowable Transfers. All of the allowable *GFA* on a *sending site* may be transferred in its entirety, to a single *receiving site* or entity, or in separate increments to several *receiving sites* in accordance with procedures of subparagraph (6), below. *GFA* may be transferred either directly from the owner of the *sending site* to the owner of a *receiving site*, or to the City acting as a *TDR* “bank.” The City may acquire the *GFA* from the owner of a sending site and maintain such *GFA* for subsequent transfers to *receiving sites*. In the case of *historic properties*, the unused allowable *GFA* shall be transferred directly from the owner of the *sending site* to the owner of the *receiving site*.

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

(6) Procedures. The following procedures are required for any transfer of *GFA*:

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

(D) Property Deed. In addition to a *Certificate of Transfer*, the owner(s) of a *sending site* involving a *TDR* for *public parkland* shall agree to execute a deed transferring ownership of the site to the City of San Diego.

(E) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
3/12/2012
Or.Dept:DSD

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 24 2012.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 5-7-12
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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