

51 (C)  
(O-2012-83)  
4/24

ORDINANCE NUMBER O- 20154 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 07 2012

AN ORDINANCE AMENDING ORDINANCE O-19947, SECTION 6, AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REVISING SECTIONS 156.0304(e)(1)(B)(iii), 156.0304(e)(1)(C)(ii), 156.0309(e)(1)(F), 156.0309(g)(2)(B), 156.0309(g)(4), AND 156.0309(g)(7)(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 2010 pursuant to Ordinance O-19947, 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,

15 MAY 31 AM 3:02  
-PAGE 1 OF 7-

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

Section 1. That ordinance O-19947, section 6, amending Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is revised as to sections 151.0304(e)(1)(B)(iii), 156.0304(e)(1)(C)(ii), 156.0309(e)(1)(F), 156.0309(g)(2)(B), 156.0309(g)(4), and 156.0309(g)(7)(D) to read as follows:

**§156. 0304 Administration and Permits**

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

(e) Centre City Development Permit Process

(1) [No change in text.]

(A) [No change in text.]

(B) [No change in text.]

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

(iii) *Development* requiring Community Redevelopment Funds shall also be reviewed and approved by the City Council, which shall have the final *Design Review* approval authority for such *development*.

(iv) [No change in text.]

(C) [No change in text.]

(i) [No change in text.]

(ii) *Development* proposals requiring *Design Review* approval by the *CCDC Board* or the City Council shall be noticed in accordance with section

112.0302 of the Land Development Code. A Notice of Application shall be mailed to the persons entitled to notice listed in section 112.0302(b).

Further notice shall also be provided to all persons requesting 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.]

(f) [No change in text.]

**§156.0309 FAR Regulations and TDRs**

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

**TABLE 156-0309A: FAR BONUS**

[No change in text.]

(e) [No change in text.]

(1) [No change in text.]

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

**TABLE 156-0309B: FAR BONUSSES (%)**

[No change in text.]

(F) The affordable housing units provided in the *development* which qualify for the *FAR bonus* shall be restricted in accordance with Chapter 14, Article 3, Division 7, except for those for sale units required to be restricted in perpetuity, in accordance with Table 156-0309B.

*Applicants* requesting Community Redevelopment Law funds may be subject to additional requirements for the units to qualify as affordable units under applicable laws.

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

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

(f) [No change in text.]

(g) *Transfer of Development Rights* Program

(1) [No change in text.]

(2) [No change in text.]

(A) [No change in text.]

(B) The *historical resource* is in need of preservation, rehabilitation, or restoration and the ability to transfer *gross floor area* is needed to assist in the funding of such preservation, rehabilitation, or restoration. In order to qualify as a *sending site*, the *applicant* must submit a study acceptable to *CCDC* verifying the financial costs of such rehabilitation and preservation and the need for the transfer of *gross floor area* as a funding source. The *CCDC President* has sole discretion to approve any transfer of *gross floor area* to a *receiving site*. The City Manager has sole discretion, upon recommendation from *CCDC*, to approve a transfer of *gross floor area* to a *TDR* bank to be maintained and tracked by the *CCDC President* on behalf

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

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

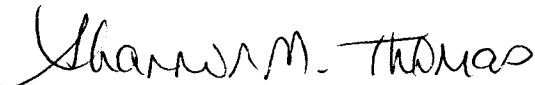
(D) Property Deed. In addition to a *certificate of transfer*, the owner(s) of a *sending site* involving a *TDR* for *public park* land shall execute a deed transferring ownership of the site to the City.

(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.

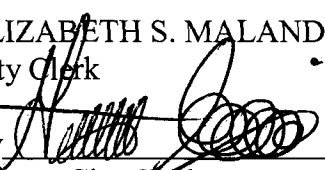
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
3/13/2012  
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   
Deputy City Clerk

Approved: 5-7-12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

15 APR 27 11:30 AM '12