

**DATE ISSUED:** September 29, 2011

**ATTENTION:** **Committee on Land Use and Housing, Agenda of October 5, 2011**

**SUBJECT:** Downtown Design Guidelines and Proposed Amendments to the Centre City Planned District Ordinance (Chapter 15, Article 6, Division 3) – Downtown Community Plan Area - **Process Five**

**REQUESTED ACTION:** Consideration of the Downtown Design Guidelines ("Design Guidelines") and proposed amendments to the Centre City Planned District Ordinance (CCPDO) and Local Coastal Program (LCP).

**STAFF RECOMMENDATION:** Centre City Development Corporation ("Corporation") staff recommends that the Committee on Land Use and Housing ("Committee") recommends that the San Diego City Council ("Council"):

- Adopts a Resolution approving the Design Guidelines; and
- Adopts an Ordinance amending the CCPDO (San Diego Municipal Code Chapter 15, Article 6, Division 3) and LCP.

**SUMMARY:** The Design Guidelines (Attachment A) are intended to update and refine the goals, policies, and the vision for downtown by implementing the Downtown Community Plan (DCP) and supplementing the CCPDO. The Design Guidelines will provide a best practice framework for the design of downtown's major streets, buildings, and public realm, providing more specificity than the DCP and offering greater design flexibility through guidelines rather than the strict regulations in the CCPDO. Following up on previous amendments to the CCPDO adopted in 2007 and 2010, staff is preparing a series of amendments including, but not limited to, amendments implementing the Design Guidelines, Centre City Green (CCG), downtown's sustainability plan, as well as a variety of "clean-up" and refinement amendments.

## **BACKGROUND**

In 2006, the Council adopted the DCP, amendments to the Redevelopment Plan for the Centre City Redevelopment Project, and major amendments to the CCPDO, the regulatory framework for downtown land development. To further enhance the physical character and livability of downtown, the Corporation initiated the process to develop the Design Guidelines and CCG, the sustainability plan for downtown.

The Corporation entered into an agreement with SMWM, the urban design consulting firm located in San Francisco, in October 2007 to develop the Design Guidelines. Overall, the Design

Guidelines will be implemented in two phases. The Phase I goal is to develop design guidelines and criteria that apply generally throughout downtown. Phase II will develop focused, neighborhood specific design guidelines beginning with Little Italy and East Village, to ensure future development and public works projects support an environment that contributes to each neighborhood's distinct character. Phase II will begin once Phase I is complete and one or more consultants are hired through a competitive Request for Qualifications process.

In 2010, the Corporation Board adopted CCG which identifies long-term goals and policies to meet sustainability standards and proposes a voluntary Green Building Incentive Program, a Green Streets' Program Concept to expand sustainability to the public realm, and a revised Transportation Demand Management (TDM) Plan.

The Design Guidelines and CCG build on work that has already been completed to establish new baseline goals for urban design and sustainability, and will update policies and vision for downtown by supplementing the DCP and CCPDO. To avoid duplication between documents and further downtown's sustainability goals, staff has prepared a series of amendments to the CCPDO including, but not limited to, amendments resulting from the Design Guidelines and CCG. In addition, following up on previous amendments adopted in 2007 and 2010 to further refine and enhance the CCPDO, Corporation staff has prepared additional refinement amendments to better implement the goals and policies of the DCP. The proposed amendments will create consistency, avoid duplication between documents, further downtown's sustainability goals, and enhance the legibility of the CCPDO.

## **DISCUSSION**

The Design Guidelines are composed of the following major sections:

### **Urban Design Framework**

The urban design framework focuses on overarching concepts and a foundation for public and private improvements in downtown San Diego. An interconnected network and hierarchy of street corridors, public open spaces, building forms and public art, with emphasis on the location and character of public and private improvements in downtown are established.

### **Street Corridor Guidelines**

The street corridor guidelines convey public-realm improvements. It includes the entire street corridor: street, sidewalk, building frontage, and any boundary with parks and plazas.

### **Blocks and Buildings Guidelines**

The blocks and buildings focus on private-realm improvements. They provide guidance on the form of buildings as well as their relationship to the public realm as envisioned herein. Specific

guidelines are provided that address a building's ground-floor configuration, street-wall scale and texture, and overall massing. Some of these concepts and guidelines currently exist within the CCPDO. Because these policies and guidelines are subjective in nature, they are more appropriately contained in the Design Guidelines document than the more objective, regulatory CCPDO. Therefore, in conjunction with the adoption of the Design Guidelines, staff has prepared a series of amendments to the CCPDO to avoid duplication between the two documents and to incorporate the sustainability measures resulting from CCG.

#### Public Art Guidelines

The public art guidelines support the role of public art in achieving the urban design framework. They establish public art framework, define various types of public art and address placement of art in the public realm.

#### SUMMARY OF REVISIONS TO THE DESIGN GUIDELINES

On May 4, 2011, staff conducted stakeholder meetings with architects, planners, designers, developers, and community groups to solicit input on the April 2011 Draft Design Guidelines during a series of meetings. The following stakeholder comments have been incorporated into the final Design Guidelines, as follows:

- Block modulation – acceptance of a uniform height for full-block developments when the building massing and articulation achieves the intent of the Design Guidelines;
- Building massing diagrams – clarifying confusion with massing option diagrams and photographs of example buildings and eliminating preferential hierarchy of options;
- Planned Development Permit (PDP) – mention of how this process can be used to deviate from the CCPDO and Design Guidelines to achieve creative and innovative building designs;
- Garage and loading dock driveway entries – in order to lessen the visual impacts on the pedestrian experience, a guideline has been added to encourage solid, obscured, or screened doors and minimize lighting impacts;
- Bike facilities – photographic examples of bike corrals and sharrows along with brief descriptions of each have been added; and
- Gaslamp Quarter Design Guidelines – a reference to this document has been added.

The CCDC Board was presented the Design Guidelines and CCPDO amendments at a special workshop on June 22, 2011 which resulted in additional refinements.

#### SUMMARY OF PROPOSED AMENDMENTS TO THE CCPDO

The proposed amendments include language resulting from the policies and goals of the Design

Guidelines and CCG, and also include refinements and clean-up items to the wording and the on-going implementation of the CCPDO. The proposed amendments to the CCPDO include the following:

1. **Definitions** (*Section 156.0302*) – This section has been revised to include definitions resulting from CCG as well as from the addition of land uses to the CCPDO, such as Community Gardens, Mobile Food Facilities, and Outdoor Activities.
2. **Administration and Permits** (*Section 156.0304*) – A reference to the Design Guidelines and procedures for their use in the review of projects, as well as the procedures for amending them has been included. Permit revocation procedures have also been added. In addition, based on input from the various stakeholders, a process has been established whereby a Process 4 PDP, allowing deviations to the development regulations of the CCPDO and Design Guidelines, may be approved by the CCDC Board in lieu of the City of San Diego (“City”) Planning Commission as part of the design review approval process. The CCDC Board decision on a PDP is subject to appeal to the Planning Commission.

Also, staff is proposing the consolidation of the public hearings for either variances or conditional use permits with the Design Review approval by the CCDC Board. Under the proposal, those applications would be considered by the CCDC Board in lieu of the Corporation Hearing Officer at the same time a project’s design is considered (currently the CCDC Board is the appeal body for the Hearing Officer). This will eliminate an unnecessary additional meeting, and the ultimate decision authority remains with the CCDC Board.

3. **Land Use Districts** (*Section 156.0307*) – To allow greater flexibility for small infill projects, language has been added to the Residential Emphasis District allowing small lots of 5,000 square feet or less within the district to apply for deviations from the minimum 80 percent residential/maximum 20 percent non-residential land use mix requirements through a Conditional Use Permit (CUP) process.
4. **Base District Use Regulations** (*Section 156.0308*) – Land Use Table 0308-A, has been updated to allow Mobile Food Facilities, Temporary Outdoor Activities and Temporary Surface Parking lots within the Neighborhood Mixed-Use, Main Streets, and Commercial Overlay Zones.
5. **Floor Area Ratio (FAR) Regulations and Transfer of Development Rights (TDR)** (*Section 156.0309*) – This section has been revised to: 1) further clarify language and increase the percentage of FAR Bonus achievable by a development utilizing the

affordable housing density bonus provisions beyond that of what the City allows for the inclusion of affordable housing within a development, 2) modify the Eco-Roof FAR bonus program to require a development's Eco-Roofs to be accessible to building occupants in order to achieve the full 1.0 FAR, 3) include a Green Building FAR Bonus Program for developments that exceed the California Building Code for energy and water conservation and 4) implement a process whereby a developer seeking an FAR Bonus through LEED certification is required to provide a financial guarantee equivalent to the value required to purchase an equivalent amount of FAR through the existing FAR Payment Bonus Program. This LEED certification performance guarantee has been established to ensure performance by the developer.

In addition, the cumulative Average Daily Traffic (ADT) threshold for new development within the Ballpark Mixed-Use District that was established by the 1999 Supplemental Environmental Impact Report (SEIR) associated with the Ballpark would be eliminated. This traffic generation limit was superseded by the 2006 Community Plan update and the traffic analysis of the 2006 FEIR; its deletion was an oversight at that time and a traffic technical memo has been prepared confirming that this cap is outdated and unnecessary.

6. **Development Regulations** (*Section 156.0310*) – Generally, the development regulations will remain as currently written with the exception of the minimum setback requirements for projects within the Residential Emphasis District and for ground-level units (minimum 3-10 feet), which are proposed for elimination. The implementation of this setback (which results in a 0-5 foot consistent setback throughout downtown) has become problematic on numerous recent development proposals on infill sites where the resulting setback is inconsistent with adjoining established developments. In addition, an individual personal storage requirement (240 cubic feet) has been added for developments containing 50 or more dwelling units consistent with City standards for storage.
7. **Urban Design Regulations** (*Section 156.0311*) – As previously mentioned, this section contains principles and guidelines which have been included in the Draft Design Guidelines and are proposed to be removed from the CCPDO. Only those requirements which are more objective and regulatory will remain in this section of the CCPDO.
8. **Parking, Loading, Traffic and Transportation Demand Management (TDM) Standards** (*Section 156.0313*) – The requirement to provide three levels of below-grade parking prior to allowing any above-grade parking is proposed to be decreased to two levels of below-grade parking if all above-grade parking is encapsulated along street frontages. In addition, revisions to the off-street loading requirements have been made to allow an exemption for small lots of 5,000 square feet or less. The existing TDM menu

of options has been revised to provide for alignment with new standards and green building rating systems.

9. **Separately Regulated Uses** (*Section 156.0315*) – In an effort to continue the on-going implementation of affordable housing development downtown, the maximum living unit size has been increased from an average of 300 square feet to 350 square feet to align with the State affordable housing guidelines. The section which allows developments to request modifications to the standard development regulations of the San Diego Municipal Code (SDMC) through the CUP process has been revised to include Transitional Housing developments in addition to Social Services and Homeless Facilities.

This section has also been revised to revise the ability for Transitional Housing and Homeless Facilities to request an exemption to the ¼ mile separation requirements of the SDMC, as originally supported by CCAC and the CCDC Board, but inadvertently deleted by the City Attorney’s office during previous amendments. This provision was previously in the 2006 CCPDO, but was inadvertently removed from the text during the 2007 CCPDO amendments.

10. **Clean up and Organization** – A variety of minor edits throughout the text of the document have been made to enhance the organization and clarify language. Minor edits have also been made to Figures B, C, E, and G for consistency.

The DCP and the CCPDO (along with the Gaslamp Quarter and Marina planned district ordinances) comprise the LCP (mandated by the California Coastal Commission) for the Downtown Community Plan Area. The proposed amendments to the CCPDO would apply within the Coastal Zone which encompasses roughly three blocks inland from the San Diego Bay. Upon adoption of the proposed amendments, staff will submit the CCPDO amendments for certification to the California Coastal Commission. Until the Coastal commission unconditionally certifies the amendments, the CCPDO amendments will not be effective in the Coastal Zone.

Proposed Project Schedule

<b>Date of Approval</b>	<b>Action or Approval</b>
September/October 2011	Planning Commission hearing Land Use and Housing Committee consideration
November 2011	City Council hearing

**Environmental Review:** The proposed Design Guidelines and CCPDO amendments are covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), CCPDO, and 10<sup>th</sup> Amendment to the Centre City Redevelopment Plan, certified by the Redevelopment Agency (“Agency”) on March 14, 2006 (Resolution R-04001) and subsequent addenda to the FEIR certified by the Agency on August 3, 2007 (Agency Resolution R-04193), April 21, 2010 (Agency Resolutions R-04508 and R-04510), and August 3, 2010 (Agency Resolution R-04544). The FEIR is a “Program EIR” prepared in compliance with State CEQA Guidelines Section 15168. Pursuant to the FEIR, an Environmental Secondary Study (ESS) has been prepared in accordance with CEQA, State and local guidelines (Attachment C). The ESS concludes that the environmental impacts of the proposed Design Guidelines and CCPDO amendments have been adequately addressed in the FEIR and that the proposed Design Guidelines and CCPDO amendments are within the scope of the development program described in the FEIR; therefore, no further environmental review is required under CEQA.

**CONCLUSION:**

The Design Guidelines are intended to provide guidance that will further enhance the natural beauty, physical character, and livability of downtown through their influence on both private development and public works projects. The proposed amendments to the CCPDO will create consistency, avoid duplication between documents, further downtown’s sustainability goals, and enhance the legibility of the CCPDO. The CCPDO and the Design Guidelines, in conjunction with the future neighborhood-specific guidelines will help to further achieve the vision and guiding principles of the DCP through both private development and public works projects.

**COMMUNITY OUTREACH AND PUBLIC PARTICIPATION EFFORTS:**

**City of San Diego Planning Commission:** On September 1, 2011, the Planning Commission voted 6 in favor, 0 opposed to 1) recommend to Council the adoption of the Design Guidelines and 2) continue the public hearing on the amendments to the CCPDO.

On September 29, 2001, the Planning Commission voted 6 in favor, 0 opposed to recommend to Council the adoption of the proposed amendments to the CCPDO subject to allowing an developer 180 days in which to obtain LEED certification as required under the Green FAR Bonus Program.

**Code Monitoring Team (CMT):** On August 10, 2011, the CMT voted 7-0 to recommend approval of the amendments to the CCPDO.

**Corporation Board of Directors Recommendation:** On July 27, 2011, the Board voted 6-0 (Directors Kilkenny, Relyea, McNeely, Shaw, Oncina, and Morgan) to support the staff recommendation.

**Community Planning Group Recommendation:** On July 20, 2011, the Centre City Advisory Committee (CCAC) voted 19-0, with one abstention, to support the staff recommendation and the Project Area Committee voted 17-0, with one abstention, to support the staff recommendation.

**Stakeholder Interviews:** Three days of stakeholder interviews with architects, planners, designers, developers, and community groups were held on February 19, 2008, February 20, 2008 and April 9, 2008. A public workshop was held on April 8, 2008. On May 4, 2011, staff conducted a second round of stakeholder meetings. On June 25, 2008 and on June 22, 2011, the Corporation Board held public workshops to solicit input on the Design Guidelines and the proposed amendments to the CCPDO.

**Respectfully submitted,**

  
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Concurred by:

  
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Attachments: A – Downtown Design Guidelines, dated September 29, 2011  
B – Proposed CCPDO Amendments - Strikeout/Underline  
C – Environmental Secondary Study, dated August 3, 2011