

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A PUBLIC SPACE IN LIEU FEE IN THE UNIVERSITY COMMUNITY PLAN AREA.

WHEREAS, San Diego Resolution xxxx, which was considered along with this resolution, proposes to adopt a comprehensive update to the University Community Plan (Community Plan Update); and

WHEREAS, San Diego Ordinance xxxx, which was considered along with this Resolution, includes an amendment to San Diego Municipal Code section 132.1403 and Diagram 132-14K of the University Community Plan Implementation Overlay Zone (University CPIOZ); and

WHEREAS, the proposed University Community Plan Update CPIOZ requires new Supplemental Development Regulations (SDRs) for development on premises greater than 25,000 square feet to provide on-site public space, with amenities based upon a list of defined amenities prior to issuance of a building permit for development; and

WHEREAS, the University Community Plan Update CPIOZ requires new development to provide a public space with four levels of amenities based upon the total size of development:

- (1) Development on a premises equal to or greater than 25,000 square feet, but less than 100,000 square feet shall provide at least one amenity identified in Table 2 of SDR-A.1;
- (2) Development on a premises equal to or greater than 100,000 square feet, but less than 200,000 square feet shall provide at least two amenities identified in Table 2 of SDR-A.1;
- (3) Development on a premises equal to or greater than 200,000 square feet, but less than 400,000 square feet shall provide public spaces that includes at least three amenities identified in Table 2

of SDR-A.1; (4) Development on a premises equal to or greater than 400,000 square feet shall provide public spaces that include at least six amenities identified in Table 2 of SDR-A.1; and

WHEREAS, the University Community Plan Update CPIOZ allows new development to be exempted from the SDR-A.1 public space requirement under SDR-A.4 in the following circumstances: (1) Development located on premises less than 25,000 square feet or with a development gross floor area less than 75,000 square feet; (2) Development that qualifies for an exemption to the Citywide Park Development Impact Fees by construction on-site park improvements in accordance with SDMC section 142.0640 and City Council Policy 600-33; (3) Development that utilizes an incentive purchased through the Public Space In Lieu Fee Option in SDR-A.5; and,

WHEREAS, the full list of amenities identified in Table 2 of SDR-A.1 were determined to have an average land cost of \$280,153 per amenity point; and

WHEREAS, the full list of amenities identified in Table 2 of SDR-A.1 were determined to have additional hard and soft costs that average \$200,681 per amenity point; and

WHEREAS, the total list of amenities identified in Table 2 of SDR-A.1 were determined to have an average total cost of \$480,835 per amenity point; and

WHEREAS, the cost of land in the University community was determined to be \$170 per square foot; and

WHEREAS, SDR-A.5 allows for an alternative compliance option that includes an in lieu fee for public spaces that allows a maximum buyout of 25 percent of the required public space amenity size (with a maximum of one amenity point) at a rate of \$480, 835 per amenity point, or a maximum buyout of 25 percent in reduction of the required size of the public space amenity at a rate of \$170 per square foot; and

WHEREAS, the 25 percentage determination for both the maximum buyout of the development size at the rate of \$480,835 per amenity point or the maximum buyout in reduction

of the required size of the public amenity at the rate of \$170 per square foot provides flexibility for public space requirements and amenity requirements for individual site constraints and designs as development comes forward, but still ensures a minimum amount of public space and amenities is provided with new development; and

WHEREAS, the Public Space In Lieu Fee will be deposited into a citywide fund used to provide public facilities in accordance with the Citywide Park Development Impact Fee as established in San Diego Resolution R-313688, approved on August 31, 2021; and

WHEREAS, it is the intent that with the implementation of these SDR regulations and the alternative compliance in lieu fee there will be the production of new public spaces within the community as a recapture of public benefit in exchange for additional density and intensity; and

WHEREAS, these factors support the necessity for the increased public space requirements in the University Community Plan Update CPIOZ; and

WHEREAS, the matter was set for public hearing on July 23, 2024, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same;

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The University Community Plan Update CPIOZ allows as an alternative to providing the required public space, new development to purchase amenity points, up to a maximum of 25 percent of the total required amenities based upon development size (with a minimum of one amenity point) at a rate of \$480,835 per amenity point.

2. The University Community Plan Update CPIOZ allows as an additional alternative to providing the required public space, new development to purchase a reduction in the required size of the public space amenity at a rate of \$170 per square foot of reduction, up to a maximum of 25 percent of the total required public space amenity size.
3. The fees associated with the Public Space In Lieu Fee will rise annually in accordance with San Diego Municipal Code section 142.0640(c).
4. That the Chief Financial Officer is authorized to collect funds for the Public Space In-Lieu Fee in accordance with the Citywide Park Development Impact Fee as established in San Diego Resolution R-313688, approved on August 31, 2021. The funds received shall be deposited into the Citywide Park Development Impact Fee Fund prior to final inspection.

That this resolution shall be effective on the effective date of Ordinance No. \_\_\_\_\_ amending Chapter 13, Article 1, Division 14 of the San Diego Municipal Code, sections 132.1402 and 132.1403 relating to the comprehensive update to the University Community Plan.

APPROVED: MARA W. ELLIOT, City Attorney

By \_\_\_\_\_

Deputy City Attorney

:njc

Date

Or. Dept: Planning

Doc. No.:

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of YYYYYYYY.

DIANA J.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

DRAFT