

Article 3: Supplemental Development Regulations

Division 10: Complete Communities Housing Solutions Regulations

(“Complete Communities Housing Solutions Regulations” added XX-XX-XXXX by O-XXXXX N.S.; effective XX-XX-XXXX.)

[**Editors Note.** This Division, as adopted by O-XXXXX N. S., will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment.]

§143.1001 Purpose and Intent of the Complete Communities Housing Solutions Regulations

The purpose of these regulations is to provide an alternative incentive program for *development* within *Transit Priority Areas* that provides housing for *very low income*, *low income*, *median income*, and/or *moderate income* households and provides neighborhood-serving infrastructure amenities through value capture. These regulations are intended to materially assist in providing adequate housing for all economic segments of the community; to provide a balance of housing opportunities within the City with an emphasis on housing near transit; and to encourage use of mobility alternatives through the construction of neighborhood infrastructure amenities. The purpose of these regulations is not to implement California Government Code Section 65915 (State Density Bonus Law), which is implemented through San Diego Municipal Code Chapter 14, Article 3, Division 7.

§143.1002 When the Complete Communities Housing Solutions Regulations Apply

- (a) The regulations in this Division shall be applied to any *development* at the request of the *applicant* where the current commercial, residential or mixed-use zoning for the *premises* of the proposed *development* allows for five or more *dwelling units*, not including additional units permitted under this Division, in exchange for all of the following:
 - (1) The provision of *dwelling units* affordable to *very low income*, *low income*, *median income*, or *moderate-income* households, in accordance with Section 143.1015.
 - (A) Within the categories of *very low income*, *low income*, *median income*, and *moderate income* households, affordable *dwelling units* may be further targeted or restricted for senior citizens, as defined under California Civil Code Section 51.3 and 51.11.

- (B) Within the *very low income* category, affordable dwelling units may be further targeted or restricted for transitional foster youth, as defined in Section 66025 of the California Education Code; disabled veterans as defined in Section 18541 of the California Government Code; or homeless persons as defined in the McKinney-Vento Homeless Assistance Act.
- (C) The affordable *dwelling units* may be provided through either of the following means:
 - (i) A portion of the total *dwelling units* in the *development* being reserved for *very low income*, *low income*, *median income*, or *moderate-income* households in accordance with Section 143.1004; or
 - (ii) The construction of off-site *dwelling units* reserved for *very low income*, *low income*, *median income*, or *moderate income* households, in accordance with Section 143.1007. To be eligible for the *Transit Priority Area* Housing and Infrastructure Incentives Program, the off-site *dwelling units* must be constructed within a *Transit Priority Area* within the boundaries of the same community planning area and Council District in which the *development* is located, or within one mile of the *premises* of the *development*.
- (2) The provision of infrastructure amenities, in accordance with Section 143.1020.
- (b) The following types of *development* are not eligible to request the application of the regulations in this Division:
 - (1) Outside of the Centre City Planned District Ordinance and the Mixed-Use base zones, *development* that proposes a total number of *dwelling units* that equates to a residential *density* that is less than 80 percent of the maximum permitted *density* of the applicable base zone(s) or Planned District Ordinance.
 - (2) Within the Centre City Planned District Ordinance, *development* that does not meet the maximum *base floor area ratio* of the base zone.
 - (3) Within the Mixed-Use base zones, *development* that does not meet the maximum *floor area ratio* of the base zone.
 - (4) *Development* that proposes to utilize the *density* bonus provided in Chapter 14, Article 3, Division 7 (Affordable Housing Regulations).

Development projects must choose whether to utilize the Affordable Housing Regulations or the *Complete Communities Housing Solutions Regulations* and may not utilize both.

- (5) *Development* located within Proposition A lands.
- (6) Development located within designated *historical districts* and the Old Town San Diego Planned District.
- (c) The regulations in this Division shall not supersede the regulations of any other Land Development Code Section, unless specified.

§143.1005 Required Replacement of Existing Affordable Units

- (a) An *applicant* is ineligible for any incentive under this Division if the *premises* on which the *development* is proposed contains, or during the five years preceding the application, contained, rental *dwelling units* that have had the rent restricted by law or covenant to persons and families of *moderate income*, *median income*, *low income* or *very low income*, or have been occupied by persons and families of *moderate income*, *median income*, *low income*, or *very low income*, unless the proposed *development* replaces the affordable *dwelling units*.
- (b) The number and type of required replacement *dwelling units* shall be determined as follows:
 - (1) For a *development* containing any occupied *dwelling units*, the *development* must contain at least the same number of replacement *dwelling units*, of equivalent size and *bedrooms*, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied *dwelling units*. For unoccupied *dwelling units* in the *development*, the replacement *dwelling units* shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is rebuttably presumed that the *dwelling units* were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement dwelling units shall be provided in that same percentage.
 - (2) If all of the *dwelling units* are vacant or have been demolished within the five years preceding the application, the *development* must contain

at least the same number of replacement *dwelling units*, of equivalent size and *bedrooms*, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is rebuttably presumed that the *dwelling units* were occupied by *very low income* and *low income* renter households in the same proportion of *very low income* and *low income* renter households to all renter households within the City of San Diego, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement *dwelling units* shall be provided in that same percentage.

- (3) All replacement *dwelling unit* calculations resulting in fractional units shall be rounded up to the next whole number.
- (4) All rental replacement *dwelling units* shall be affordable for at least 55 years.
- (5) All for-sale replacement *dwelling units* shall be subject to the provisions of Section 143.1015(a)(3).

§143.1010 Incentives in Exchange for Transit Priority Area Housing and Infrastructure Amenities

An *applicant* proposing *development* that is consistent with the criteria in Section 143.1002 shall be entitled to the following incentives:

- (a) A new maximum *floor area ratio* based upon whether the *development* is located in Mobility Zone 1, Mobility Zone 2, or Mobility Zone 3 as shown on the "Complete Communities Housing Solutions *Floor Area Ratio* (FAR) Map", adopted by City Council Resolution. If a mixed-use *development* is proposed, the *floor area ratio* of the non-residential portion of the *development* shall not exceed the maximum *floor area ratio* of the applicable base zone or Planned District Ordinance.
 - (1) Within Mobility Zone 1, there shall be no maximum *floor area ratio*.
 - (2) Within Mobility Zone 2, the new maximum *floor area ratio* shall be 8.0.
 - (3) Within Mobility Zone 3, the new maximum *floor area ratio* shall be 4.0.

- (b) Waiver of the maximum permitted residential density of the current land use designation(s) in the applicable land use plan. *Density* shall be limited by the allowable *floor area ratio* and the requirements of the Building Code.
- (c) Waiver of the following regulations of the applicable base zone or Planned District Ordinance:
 - (1) Maximum permitted residential *density*.
 - (2) Maximum *structure height*.
 - (3) Maximum *lot* area.
 - (4) *Street frontage* requirements, if safe and adequate access to the *premises* can be provided to the satisfaction of the City Building Official and the Fire Department.
 - (5) Maximum *lot coverage*.
 - (6) Maximum *floor area ratio*.
 - (7) *Floor Area Ratio Bonus* for Residential Mixed Use. *Development* utilizing the Transit Priority Area Housing and Infrastructure Incentives Program shall not be eligible for other FAR or density bonuses.
 - (8) Maximum front *setback* or *street* side *setback* if the maximum is less than 20 feet and the project is constructing a promenade in accordance with Section 143.1020.
- (d) Waiver of the following regulations of any applicable overlay zone, with the exception of the Coastal Height Limit Overlay Zone, the Airport Land Use Compatibility Overlay Zone, the Airport Approach Overlay Zone, the Airport Environs Overlay Zone, and overlay zones specified in Section 143.1002(b)(4):
 - (1) Maximum permitted residential *density*.
 - (2) Maximum *structure height*.
 - (3) The requirement to obtain a Site Development Permit in areas mapped as CPIOZ Type B, if the *development* complies with the *development* standards or criteria in the applicable community plan. Compliance with the *development* standards or criteria does not include compliance with maximum permitted residential *density* and/or maximum *structure height*.

- (e) Waiver of the maximum permitted residential *density* within the Airport Land Use Compatibility Overlay Zone.
- (f) Waiver of the personal storage area requirement in Section 131.0454 and the private exterior open space requirement in Section 131.0454 for all units in the *development* if at least 10 percent of the total *dwelling units* in the *development* are 3-bedroom *dwelling units*.
- (g) Scaling of Development Impact Fees based on square footage, rather than number of *dwelling units* in the proposed *development*, in accordance with Section 142.0640(b)(2).
- (h) Use of up to five Affordable Housing Incentives, except that incentives cannot be used to deviate from the requirements of this Division. An *applicant* utilizing the Complete Communities Housing Solutions Regulations shall be entitled to incentives as described in this subsection for any *development* for which a written agreement and a deed of trust securing the agreement in entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission. The City shall process an incentive requested by an *applicant* as set forth in this subsection.
 - (1) An incentive means any of the following:
 - (A) A deviation to a *development* regulation, with the exception of any regulations or requirements of this Division;
 - (B) Approval of mixed use zoning in conjunction with a residential *development* provided that the commercial, office, or industrial uses:
 - (i) Reduce the cost of the residential *development*; and
 - (ii) Are compatible with the proposed residential *development*; and
 - (iii) Are compatible with existing or planned *development* in the area where the proposed residential *development* will be located.
 - (C) Any other incentive proposed by the *applicant*, other than those identified in Section 143.1010(h)(2), that results in identifiable, actual cost reductions.
 - (2) Items not considered incentives by the City of San Diego include, but are not limited to the following:
 - (A) A waiver of a required permit;

- (B) A waiver of fees or dedication requirements;
 - (C) A direct financial incentive;
 - (D) A waiver of any of the requirements, regulations or standards of this Division.
- (3) An incentive requested as part of a *development* meeting the requirements of this Division shall be processed according to the following:
- (A) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to incentives pursuant to Section 143.1010(h) unless the City makes a written *finding* of denial based upon substantial evidence, of any of the following:
 - (i) The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053;
 - (ii) The incentive would have a specific adverse impact upon public health and safety as defined in Government Code Section 65589.5, the physical environment, including *environmentally sensitive lands*, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the *development* unaffordable to *low income* and *moderate income* households;
 - (iii) The incentive would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or
 - (iv) Within the Coastal Overlay Zone, the incentive would be inconsistent with the resource protection standards of the City's Local Coastal Program or the *environmentally sensitive lands* regulations, with the exception of *density*.

- (B) The granting of an incentive shall not require a General Plan amendment, zoning change, a *development permit*, or other discretionary approval.
- (C) When a *development permit* is otherwise required, the decision to deny a requested incentive shall be made by the decision maker for the *development permit*.
- (4) The number of incentives available are identified in Table 143.10A for *very low income*, *low income*, *median income*, and *moderate income* households consistent with the percentage of all units in the *development* identified in the first column of the table.

Table 143-10A

Number of Incentives Available Based on the Percentage of *Very Low Income*, *Low Income*, *Median Income*, and *Moderate Income* Units in the Entire *Development*

Percentage of <i>Very Low Income</i> , <i>Low Income</i> , <i>Median Income</i> , and <i>Moderate Income</i> Units in the Entire <i>Development</i>	Number of Incentives
10	1
30	2
50	3
70	4
100	5

- (i) Use of Affordable Housing waivers, except that waivers cannot be used to deviate from the requirements of this Division. An *applicant* utilizing the Complete Communities Housing Solutions Regulations shall be entitled to a waiver as described in this subsection for any *development* for which a written agreement and a deed of trust securing the agreement is entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission.
 - (1) A waiver means a request by an *applicant* to waive or reduce a *development* standard that physically precludes construction of *development* meeting the criteria of this Division.
 - (2) Upon an *applicant's* request, *development* that meets the applicable requirements of this Division shall be entitled to waivers unless the City makes written *finding* of denial based upon substantial evidence, of any of the following:

- (A) The waiver would have a significant, quantifiable, direct, and unavoidable impact upon health, safety, or the physical environment for which there is no feasible method to mitigate or avoid the impact;
 - (B) The waiver would have an adverse impact on any real property that is listed in the California Register or Historical Resources; or
 - (C) The waiver would be contrary to state or federal law. Requested incentives shall be analyzed in compliance with the California Environmental Quality Act as set forth in Chapter 12, Article 8, and no incentive shall be granted without such compliance; or
 - (D) Within the Coastal Overlay Zone, the waiver would be inconsistent with the resource protection standards of the City's Local Coastal Program or the *environmentally sensitive lands* regulations, with the exception of *density*.
- (3) The granting of a waiver shall not require a General Plan amendment, zoning change, *development permit*, or other discretionary approval.
 - (4) There is no limit on the number of waivers an *applicant* may request.
 - (j) Compliance with the Complete Communities Housing Solutions Regulations shall satisfy compliance with the City's Inclusionary Affordable Housing Regulations in Chapter 14, Article 2, Division 13 and the *applicant's* affordable housing obligations.

§143.1015 Required Provision of Affordable Dwelling Units

- (a) In accordance with Section 143.1002(a)(1), the applicant requesting application of the regulations in this Division shall provide a written agreement to provide affordable *dwelling units*, entered into by the *applicant* and the President and Chief Executive Officer of the San Diego Housing Commission and secured by a deed of trust, that meets the following requirements:
 - (1) Provides a minimum number of affordable *dwelling units* in accordance with all of the following:
 - (A) Ten (10) percent of the *dwelling units* within the *development*, excluding any additional *dwelling units* allowed under a *floor*

area ratio bonus, shall be constructed at the following affordability levels:

- (i) Rental *dwelling units* shall be made available for rent by *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 60 percent of the *area median income*, as adjusted for household size.
 - (ii) For-sale *dwelling units* shall be made affordable for purchase at a cost affordable to *median income* households. Alternatively, fifteen (15) percent shall be made available for purchase at a cost affordable to *moderate income* households.
 - (B) An additional ten (10) percent of the *dwelling units* within the *development*, excluding any additional *dwelling units* allowed under the *floor area ratio* bonus shall be affordable to households whose income does not exceed 120 percent of the *area median income*, as adjusted for household size.
 - (i) Rental *dwelling units* shall be made available for rent by *very low income* households or *low income* households at a cost, including an allowance for utilities, that does not exceed 30 percent of 120 percent of the *area median income*, as adjusted for household size.
 - (ii) For-sale *dwelling units* shall be made affordable for purchase at a cost affordable to *moderate income* households.
 - (C) For the purposes of this section, *floor area ratio* bonus shall be defined as the difference between the *floor area ratio* provided in Section 143.1010(a) and the maximum *floor area ratio* of the base zone, or the maximum *base floor area ratio* of the Centre City Planned District Ordinance, as applicable
- (2) For rental *dwelling units* to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:
- (A) The affordable *dwelling units* shall be designated units fully integrated into the *development* and be comparable in bedroom mix, design and overall quality of construction to the market-

rate *dwelling units* in the *development*, as determined by the San Diego Housing Commission, except that the affordable *dwelling units* shall not be required to exceed three *bedrooms* per *dwelling unit*. The square footage and interior features of the affordable units shall be good quality and consistent with current building standards for new housing in the City of San Diego.

- (B) The affordable *dwelling units* shall remain available and affordable for a period of at least 55 years.
- (3) For for-sale *dwelling units* to be counted as affordable and meet the requirements of this Division, the following qualifying criteria shall be met:
- (A) The initial occupant of all for-sale affordable *dwelling units* shall be a *very low income*, *low income*, *median income*, or *moderate income* household, as specified in Section 143.1015(a)(1).
 - (B) Prior to, or concurrent with, the sale of each affordable *dwelling unit*, the applicant shall require the buyer to execute and deliver a promissory note in favor of the San Diego Housing Commission so that the repayment of any initial subsidy is ensured.
 - (C) Each for-sale *dwelling unit* shall be occupied by the initial owner at all times until the resale of the *dwelling unit*.
 - (D) Upon the first resale of a *dwelling unit*, the seller shall comply with all conditions regarding the sale of a *dwelling unit*, as applied by the San Diego Housing Commission, and as set forth in California Government Code Section 65915(c)(2).
 - (E) The affordable *dwelling units* shall be designated units fully integrated into the *development* and be comparable in bedroom mix, design and overall quality of construction to the market-rate *dwelling units* in the *development*, as determined by the San Diego Housing Commission, except that the affordable *dwelling units* shall not be required to exceed three *bedrooms* per *dwelling unit*. The square footage and interior features of the affordable units shall be good quality and consistent with current building standards for new housing in the City of San Diego.

- (b) A *development* proposal may provide all or a portion of the required affordable *dwelling units* off-site in accordance with the following:
- (1) Off-site affordable *dwelling units* shall be located within a *Transit Priority Area* either within the boundaries of the same community planning area in which the *premises* of the *development* are located, or within a 1-mile radius of the *premises*.
 - (2) At a minimum, the same number of affordable *dwelling units* required of the *development* must be provided, at the same affordability levels and the same total *bedroom* count as the *development*. The *applicant* may provide different *bedroom* mixes to meet the total *dwelling unit* and *bedroom* count minimums.
 - (3) The *applicant*, prior to the issuance of the first building permit for the *development*, shall secure the required number of off-site affordable *dwelling units* and enter into an agreement(s) with the President and Chief Executive Officer of the San Diego Housing Commission establishing the same terms and conditions set forth in Section 143.1004 for the applicable type of *dwelling units*.
 - (4) Off-site affordable *dwelling units* may be located in an existing *structure(s)*, provided the *applicant* provides evidence that the existing *structure* has a remaining useful life of at least 55 years from the issuance of a Certificate of Occupancy pursuant to Section 143.0745(f)(2)(B) and complies with current Building Code standards, to the satisfaction of the City Manager. Off-site affordable *dwelling units* that are occupied at the time the application is *deemed complete* shall comply with the State Relocation Act pursuant to Government Code Section 7260.
 - (5) Prior to the issuance of the first building permit, the *applicant* shall record a deed restriction against the off-site *development* that:
 - (A) Documents the required number of affordable dwelling units to be provided; and
 - (B) Assigns foreclosure rights of the *development premises* to the San Diego Housing Commission as follows:
 - (i) For new *development*, if the affordable *dwelling unit(s)* has not received a certificate of occupancy within 54 months of the issuance of the first building permit.
 - (ii) For an existing *structure(s)*, if the affordable *dwelling unit(s)* has not received a certificate of occupancy

within 36 months of the issuance of the first building permit.

- (c) Nothing in this Division shall preclude an *applicant* from using affordable *dwelling units* constructed by another *applicant* to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission pursuant to the standards set forth in the Procedures Manual.

§143.1020 Required Provision of Infrastructure Amenities

Improvements to the infrastructure of a community enhance a sense of place, facilitate pedestrian circulation, improve connections to transit, and promote the livability and vitality of such *development* and the community. Investing in neighborhood infrastructure that creates destinations and encourages walking, biking and use of transit, particularly within Transit Priority Areas, is also critical to the City's Climate Action Plan goal to reduce greenhouse gas emissions. In accordance with Section 143.1002(a)(2), the applicant requesting application of the regulations in this Division shall provide infrastructure amenities as follows:

- (a) Neighborhood Enhancement Fund. All *developments* shall pay a fee to the "Neighborhood Enhancement Fund", as established by City Council Resolution. This fund shall be used for design, construction, and/or maintenance of neighborhood enhancing infrastructure projects.
 - (1) The fee shall be set at \$9.00 per square foot of *lot* area. Buildings over 90 feet in height shall pay an additional 25 percent of the established fee.
 - (2) The fees paid shall be divided with 50 percent invested in infrastructure improvements within the same community planning area, and 50 percent invested in infrastructure improvements within communities of concern, as determined by the City Manager.
- (b) Public promenade alternative. As an alternative to the fee described in Section 143.1020(a), *development* on a *premises* 25,000 square feet in area or larger with at least 200 linear feet of *street frontage* may construct on-site public amenities in the form of a public promenade. A *development* that constructs a promenade in accordance with the following requirements shall be exempt from payment of a fee into the "Neighborhood Enhancement Fund."

- (1) Prior to issuance of a Certificate of Occupancy, the *applicant* shall provide the City Manager with documentation that all required on-site public amenities have been constructed and are operational.
- (2) The *applicant* shall record a public recreation easement(s) against all parcels comprising the *premises* of the *development* to the satisfaction of the City Manager.
- (3) The *applicant* shall record a maintenance agreement ensuring that the required on-site public amenities are maintained in perpetuity.
- (4) *Development* that includes a promenade in accordance with this Section shall be exempt from requirements to provide private or common open space for the residential *dwelling units*.
- (5) A promenade is a public open space that adjoins or is visible from a *public right-of-way* along the longest *street frontage*. Promenades must comply with all standards below. *Development* that meets these standards shall be exempt from Council Policy 600-33.
 - (A) The promenade shall span the length of the longest *street frontage* and shall extend inward from the *property line* abutting the longest *street frontage* a distance of not less than 20 feet.
 - (B) The sidewalk within the *public-right-of-way* shall be widened to 8 feet, measured perpendicular to the *street*.
 - (C) The promenade shall be publicly accessible from 7:00am to 9:00pm. Any walls, planters, or other obstructions (not including trees, lights, or steps) that would prevent views into the promenade shall be limited and generally not exceed a height of 18 inches above the adjacent sidewalk.
 - (D) A minimum of 50 percent of a promenade shall be free of obstructions.
 - (E) Garage entrances, driveways, parking spaces, passenger drop-offs, loading berths, trash storage facilities, as well as the access or service for these facilities are not permitted within a promenade.
 - (F) Pedestrian circulation paths within the promenade shall connect to all *streets* and building entrances that front the promenade.

- (G) Landscaping shall be provided as follows:
- (a) At least one, 24-inch box canopy form tree is required for each 25 ft of street frontage on each side of the required sidewalk.
 - (b) No less than twenty percent of the plaza area shall be comprised of planting. This can include hanging plants, planting beds or living walls.
- (H) Lighting shall be provided to ensure adequate security and its design shall be coordinated with lighting used in the public right-of-way and with the building's architectural lighting.
- (I) Wayfinding signage shall be prominently displayed near the *public right-of-way* that directs pedestrians and cyclists to nearby attractions and transit connections. Attractions include recreational facilities, such as parks, trails, or recreation centers; landmarks; and community assets, such as libraries or community centers.
- (J) Seating shall be provided. This may be satisfied by movable seating, fixed individual seats, benches with or without backs, and design feature seating, such as seat walls, ledges and seating steps.
- (K) One trash receptacle and one recycling container shall be provided for every 150 feet of *street frontage*.
- (L) At least one of the following recreation amenities must be provided:
- (i) Playground equipment; or
 - (ii) Fitness circuit equipment; or
 - (iii) Game equipment (e.g., bocce ball court, oversized chess set).
- (M) At least one of the following additional amenities must be provided:
- (i) Water feature;
 - (ii) Art installation;

- (iii) Food and beverage kiosk.
- (N) Patios, tables and seating operated by on-site commercial tenants may be included within the promenade, provided that they are accessible to the public during non-business hours and are limited to no more than 50 percent of the promenade area.
- (O) Required best management practices (BMPs) for storm water may be constructed within the required landscaped area of the promenade, including within the public right-of-way, so long as pedestrian access to and within the promenade is not hindered by the BMPs.
- (P) The *development* may utilize the *public right-of-way* adjacent to the promenade to implement the standards required in Section 143.1020(b)(4)(I)–(M). Utilization of the *public right-of-way* is subject to an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715. If the *applicant* is required to remove the amenities within the *public right-of-way* they shall be replaced within the promenade on the *premises*.
- (6) If site constraints such as topography or the desire to avoid archaeological, tribal cultural, historical or environmental resources make siting the promenade along the *public right-of-way* infeasible, it may be located on another portion of the *premises*, subject to the following:
 - (A) The square footage of the promenade must be equal to or greater than the length of the longest *street frontage* multiplied by 20, and must be contiguous.
 - (B) The promenade must comply with Sections 143.1020(b)(4)(C)–(O).

§143.1025 Supplemental Development Regulations

Development utilizing these regulations must comply with the following Supplemental Development Regulations, and may not utilize incentives or waivers provided in Section 143.1010(h) to deviate from them:

- (a) Bulk Standards for Buildings Over 90 Feet on *Premises* Over 20,000 Square Feet. For purposes of this Section, bulk and scale are divided into the two main areas of the building base and the tower. Buildings over 90 feet in height located on *premises* over 20,000 square feet in area shall adhere to the following requirements:

- (1) For the purposes of this Section, building base means the *structural envelope* located immediately above *existing grade*, *proposed grade*, or a *basement*. The maximum height of the building base shall be 90 feet.
 - (2) The minimum height of the *street wall* shall be 30 feet, except as required in the Centre City Planned District Ordinance.
 - (3) A *street wall* shall be provided for 70 percent of the building frontage along the *public right-of-way*, with the following exceptions, which may be subtracted from the length of the frontage:
 - (A) Publicly or privately-owned plazas;
 - (B) Courtyard entrances up to 30 feet wide for residential uses;
 - (C) Recessed entrances up to a maximum of 25 feet in width and a maximum of 15 feet in depth;
 - (D) Entries into interior or auto courts, or auto drop-offs may be allowed behind the required *street wall*; and
 - (E) Areas where the *existing grade* of the *public right-of-way* differs from the building pad by more than two feet.
 - (4) For the purposes of this Section, tower means the *structural envelope* located immediately above the building base to the top of the building.
 - (A) The maximum *lot coverage* of the tower shall be 75 percent of the *lot coverage* of the building base.
 - (B) Within a single *development*, towers shall be separated by a minimum of 50 feet.
 - (5) *Development* must comply with the private open space and common open space requirements of the applicable base zone or Planned District Ordinance.
- (b) Buffer from Adjacent Freeways. Except in the Centre City Planned District Ordinance, *development* on a *premises* within 500 feet of a freeway shall comply with the following:
- (1) Land use buffers such as off-street parking and landscaping shall be provided between the residential and commercial uses and the freeway; and

- (2) Outdoor areas such as balconies, patios, parks, plazas, and other spaces occupied by residents, customers or members of the public shall be oriented away from the freeway.
- (c) Climate Action Plan (CAP) Consistency Checklist Requirements. To ensure consistency with the City's CAP, all *development* shall comply with each of the measures identified in Step 2 of the CAP Consistency Checklist.

DRAFT