



THE CITY OF SAN DIEGO

## Report to the Planning Commission

**DATE ISSUED:** August 16, 2017

**REPORT NO. PC-17-056**

**HEARING DATE:** August 24, 2017

**SUBJECT:** AMENDMENTS TO THE CITY'S MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO ADD PLACEMAKING REGULATIONS. PROCESS 5

### **SUMMARY**

**Issue:** Should the Planning Commission recommend City Council approval of the proposed amendments to both the Land Development Code and the Local Coastal Program to add placemaking regulations?

**Staff Recommendation:** Recommend City Council approval of the proposed amendments to both the Land Development Code and the Local Coastal Program to add placemaking regulations.

#### **City Strategic Plan Goal and Objectives:**

Goal #3: Create and sustain a resilient and economically prosperous City.

Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability.

#### **Community Planners Committee (CPC):**

On May 23, 2017, the Community Planners Committee voted 16-1-2 to recommend approval with the following condition:

- That placemaking projects be presented to local planning groups as an action item.

#### **Code Monitoring Team (CPC):**

On May 10, 2017, the Code Monitoring Team voted 5-3-1 to recommend approval for Public Right-of-Way projects with the following conditions:

- Clarify long term/temporary description of Placemaking Use Category.
- Provide more detailed description regarding appropriate applicants - organization must have geographic area or responsibility, and/or placemaking must be primary mission of the organization.
- Add more specificity to the section about property owner support.

- Clarify the placemaking removal process.

**Smart Growth & Land Use Committee:**

On June 14, 2017, Smart Growth & Land Use Committee voted 4-0-0 to recommend Council introduce the ordinance and send the final municipal code language to the committee consultant prior to Planning Commission.

**Environmental Review:** An Environmental Impact Report (EIR No. 96-0333) was prepared and certified on November 18, 1997 for the adoption of the Land Development Code; and a Program EIR (No. 1 04495) was prepared and certified on March 10, 2008 for the General Plan Update. The proposed amendments to the Land Development Code were reviewed by the Environmental Analysis Section for consistency with the above referenced environmental documents and it was determined that, in accordance with Public Resources Code 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIRs were certified. Therefore, no subsequent EIR or other environmental document is needed for the ordinance, as all of the impacts were adequately addressed and disclosed in previously certified EIR No. 96-0333 (Land Development Code) and Program EIR No. 104495 (Draft General Plan).

**Fiscal Impact Statement:**

- All Development Services Department costs associated with placemaking projects will be paid for by the applicant.
- In December 2016 City Council adopted the Reinvestment Initiative authorizing use of former Enterprise Zone funds for Placemaking Loans and Activation Grants to encourage new community based projects. These funds are eligible for placemaking projects.

**BACKGROUND**

Placemaking is a growing international trend that has been embraced by numerous cities around the world as a tool for enhancing economic development, walkability, revitalization, and safety efforts. Placemaking allows for non-traditional uses on both public and private property to activate underutilized spaces in neighborhoods and commercial corridors, capitalizing on the local community's assets, inspiration and potential, with the intention of creating areas that promote health, happiness and well-being. The projects are all-inclusive, eye-catching, inspiring, and help tell the story of a community.

Over the past several years, community based organizations in the City of San Diego have expressed interest in implementing diverse types of placemaking projects. The consensus among organizations is: even with assistance from City staff they receive lack of clear information, they encounter roadblocks such as requirements for a discretionary permit, and they are required to pay cost prohibitive fees for placemaking projects. Examples of placemaking projects can be found in the attached report, *A Place for Placemaking in San Diego*.

Coupled with a recently adopted Reinvestment Initiative, the Economic Development Department, in coordination with the Commission for Arts & Culture, Development Services Department, and

Planning Department, has an opportunity to assist communities with implementation of placemaking projects that could be transformational for San Diego.

Over the past eight months, City Staff has been working to develop a framework for permitting placemaking projects. Based on input from the Neighborhood Placemaking Collaborative, Code Monitoring Team, Technical Advisory Committee, and Community Planners Committee, revisions/additions to the Land Development Code generally fall into two major categories: placemaking in the public right-of-way and placemaking on private property.

Placemaking projects located in the public right-of-way, including streets, medians, alleys, sidewalks, and parkways, would require a Public Right-of-Way Permit. A Public Right-of-Way Permit is a Process One approval and the Development Services Department has existing procedures and fee schedules to process Public Right-of-Way Permits.

Placemaking projects located on private property would require a Temporary Use Permit. A Temporary Use Permit is a Process One approval and the Development Services Department has existing procedures and fee schedules to process Temporary Use Permits.

## **DISCUSSION**

This proposal would amend the Land Development Code to include a definition for placemaking, and procedures for Temporary Use Permits and Public Right-of-Way Permits would be amended to include placemaking.

### Placemaking in the public right-of-way

- Placemaking projects in a street or alley could include improvements such as temporary bulb outs, decorative lighting, shade structures, gathering areas, bike corrals, pedestrian plazas, median improvements, and other similar improvements.
- Placemaking on a sidewalk or parkway could include improvements such as benches, free library stands, bike racks, decorative lighting, plants, gathering areas, shade structures, furniture, trash and recyclable material containers, way finding signage, and other similar improvements.
- Placemaking in the public right-of-way will have some restrictions on activities, including:
  - Require permission from owner of adjacent property
  - Commercial use prohibited
  - Design shall allow vehicle and pedestrian visibility and circulation
  - Temporary for up to five years

### Placemaking on private property

- Placemaking on private property could include improvements, such as lighting, furniture, gathering areas, shade structures, assembly uses, retail uses, commercial service uses, and other similar improvements that activate a premises.
- Placemaking on private property will be a Limited Use in all base zones except for Industrial Zones. Placemaking will not be permitted in Industrial Base Zones.

- Placemaking on private property will be a Separately Regulated Use with the following conditions:
  - On existing vacant lots
  - Permission from property owner
  - Operational plan for maintenance and complaint resolution process
  - Parking is not required
  - Responsible party information visible from the public right-of-way
  - Temporary for up to five years
  
- In Commercial Base Zones:
  - Small kiosks operation between 7am - 10pm unless a separate TUP obtained
  - Assembly uses maximum of 300 people unless a separate TUP is obtained
  - Food and beverage require County of San Diego Health Permit
  - Not subject to Commercial Base Zone regulations for lot coverage or setbacks

**Community Outreach:**

The majority of community outreach was done in partnership with the Neighborhood Placemaking Collaborative, whose membership includes Circulate San Diego, the Urban Collaborative Project, the Jacobs Center for Neighborhood Innovation, Beautiful Pacific Beach, the City Heights CDC, the El Cajon Blvd Business Improvement Association, the Bayside Community Center, the County of San Diego, and others. Staff provided informational presentations (upon request) for the Encanto Neighborhoods Community Planning Group, a Smart Growth America forum, North Park Main Street Design Committee, and the Hillcrest Town Council.

**Conclusion:**

The proposed amendments to the Municipal Code and Local Coastal Program allowing placemaking will enhance economic development, walkability, revitalization, and safety efforts on both public and private property to activate underutilized spaces in neighborhoods and commercial corridors.

**ALTERNATIVES:**

The Planning Commission may recommend to the City Council that it not adopt the Municipal Code amendments or that it adopt the Municipal Code changes with modifications.

Respectfully submitted,




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**ATTACHMENTS:**

1. Draft Code Amendments
2. Report – *A Place for Placemaking in San Diego* <http://www.circulatesd.org/placeforplacemaking>