

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AMENDMENTS TO THE FLOOR
AREA RATIO BONUS PAYMENT PROGRAM WITHIN THE
CENTRE CITY PLANNED DISTRICT.

WHEREAS, on May 22, 2007, pursuant to Resolution No. R-04145, the Redevelopment Agency of the City of San Diego approved a Floor Area Ratio (FAR) Bonus Payment Program within the Centre City Planned District; and

WHEREAS, on December 7, 2011, pursuant to San Diego Ordinance O-20117, the Council of the City of San Diego approved the FAR Bonus Payment Program within the Centre City Planned District; and

WHEREAS, on May 30, 2012, pursuant to San Diego Resolution R-307481, the San Diego City Council (Council) approved an amendment to the FAR Bonus Payment Program to expand the areas where FAR can be purchased, and remove references to the Redevelopment Agency; and

WHEREAS, on June 21, 2019, pursuant to San Diego Ordinance O-21082, the Council authorized the termination of the Operating Agreement with Civic San Diego and approved certain other agreements and actions to assist in the transition of Civic from an agent of the City of San Diego (City) to a separate and independent service provider to the City with regard to Wind-Down Services; and

WHEREAS, implementation of the FAR Bonus Payment Program was not identified as a service to be provided by Civic San Diego to the City; however, no actions were taken at the time to amend the FAR Bonus Payment Program to shift implementation to the City; and

WHEREAS, the City desires to amend the FAR Bonus Payment Program to shift implementation of the program to the City; and

WHEREAS, the Council has considered all written documents contained in the file for this project on record in the City, and has considered the oral presentations given at the public hearing; and

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, that the Council adopts the amendments, attached hereto as Exhibit A, to the FAR Bonus Payment Program, a copy of which is on file in the Office of the City Clerk as Document No. RR- _____.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Shannon C. Eckmeyer
Deputy City Attorney

SCE:cm:cm
12/15/2022
02/08/2023 COR. COPY
Or.Dept: Planning
Doc. No. 3168114_2

Attachment: Exhibit A – FAR Payment Bonus Program

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

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date) _____
TODD GLORIA, Mayor

Vetoed: _____
(date) _____
TODD GLORIA, Mayor

Exhibit A

Floor Area Ratio (FAR) Payment Bonus Program

1. PURPOSE

The Floor Area Ratio (FAR) Payment Bonus Program (“Program”) is established to serve the public interest by providing additional funds to be used in conjunction with Development Impact Fees (DIF) identified and contemplated in the San Diego Downtown Community Plan (DCP). This document outlines the standards and procedures for the establishment, payment, and use of FAR Bonus Payments under the Program. The Program provides an opportunity for a developer to increase density of a Development Project in exchange for FAR Bonus Payments that will assist in implementing the parks, open space and public infrastructure goals of the DCP.

2. DEFINITIONS

“*Base Maximum FAR*” is the maximum floor area permitted to be built without bonuses or transfers.

“*Bonus FAR*” means the additional floor area that may be acquired under the FAR Bonus Payment Program.

“*Development Project*” means a building or structure or structural alteration or enlargement of an existing building or structure or structural alteration or enlargement of an existing building or structure within the Centre City Planned District.

“*FAR Bonus Payment*” means the monetary compensation paid by a developer of a Development Project in the Centre City Planned District in order to increase the maximum FAR (allowable above grade square footage) for a particular Development Project.

“*FAR Bonus Fund*” means the fund established by the City of San Diego for the collection of the FAR Bonus Payments.

“*FAR Bonus Payment Program*” means the program established by the City of San Diego for the payment by the developer of a project in the Centre City Planned District to increase the FAR Bonus Payments.

“*Floor Area*” means the total gross floor area (GFA), as defined in section 156.0305 of the San Diego Municipal Code, of all building(s) on a premise(s).

“*Floor Area Ratio*” (FAR) means the numerical value obtained by dividing the Floor Area by total land area of the premises on which the building(s) are located.

“*Development Site*” means that real property which is the subject of the proposed Development Project which includes a building or structure or structural alteration or enlargement of an existing building or structure within the Centre City Planned District.

“Public Parks” means parks, plazas, *greenways*, and/or open space open to the public and used for active and/or passive recreational purposes. These areas may be paved or landscaped, but in all cases offer an outdoor area for public use.

3. PROGRAM DESCRIPTION

Within the DCP area, the maximum allowable above grade square footage of a proposed Development Project is controlled by the Development Site’s Base Maximum FAR. The program is one of FAR Bonus Programs available under the Centre City Planned District Ordinance (CCPDO) that allows a developer to acquire additional building square footage, or bonus FAR, above the Base Maximum FAR established for a particular development site. Under the program, a developer can voluntarily purchase Bonus FAR up to a maximum amount established in Figure J of the CCPDO. FAR Bonus Payments made under the program are deposited into a FAR Bonus Fund and are used to provide for certain public benefits within the DCP Area. The FAR Bonus payment was initially set at \$15/square foot in 2007, however, this amount is adjusted annually for inflation on July 1st of each year based on the Consumer Price Index (CPI) for urban San Diego County. The FAR Bonus payment for a particular project is set at the time that a construction permit application is submitted to the Development Services Department. The FAR Bonus Payment is required to be paid upon issuance of any construction permit for a Development Project.

The FAR Bonus Payment collected through the Program shall be deposited into a FAR Bonus Fund, specifically established for the program and to be maintained and operated by the City of San Diego Development Services Department. FAR Bonus Payments shall be used for the acquisition, planning, design and development of Public Parks and enhanced public right-of-way improvements.

4. FAR BONUS PAYMENT PROCEDURES

For developers requesting an increase above the Base Maximum FAR through the Program, the following procedures shall apply:

- a) The request for the acquisition of additional FAR shall be made as part of the development or construction permit application.
- b) The price-per-square-foot the FAR Bonus Payment was set at \$15 per-square-foot in 2007 and shall be adjusted annually for inflation on July 1st of each subsequent year based on the consumer Price Index (CPI) for urban San Diego County.
- c) The price-per-square-foot of the FAR Bonus Payment shall be set at the time that the construction permit application for the project is submitted.
- d) The FAR Bonus Payment for a Development Project must be submitted prior to issuance of a construction permit for the Development Project (not including demolition permits for existing onsite structures.) No construction permit shall be issued to the developer for a proposed Development Project until FAR Bonus payment is received.

5. FAR BONUS PAYMENT FUND

The FAR Bonus Payments shall be deposited into a dedicated FAR Bonus Fund administered by the Development Services Department. The fund shall be used for the acquisition, planning, design and development of Public Parks and enhanced public right-of-way improvements within the DCP area.