

ATTACHMENT D

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
AN ORDINANCE AUTHORIZING A LIMITED EXCEPTION TO THE SIGNAGE AND OFF-PREMISES
MESSAGING REGULATIONS CONTAINED IN CHAPTER 14, ARTICLE 2, DIVISION 12 OF THE SAN DIEGO
MUNICIPAL CODE, AND AUTHORIZING A LIMITED EXCEPTION TO AUTOMATIC CHANGING COPY
REGULATIONS CONTAINED IN CHAPTER 14, ARTICLE 1, DIVISION 11 OF THE SAN DIEGO MUNICIPAL
CODE AS PROVIDED AND LIMITED TO THE TERMS AND CONDITIONS SET FORTH IN THE TEN-YEAR
MARKETING PARTNERSHIP AGREEMENT AMONG THE CITY OF SAN DIEGO, IKE SMART CITY, LLC, AND
DOWNTOWN SAN DIEGO PARTNERHSIP FOR A DIGITAL WAYFINDING SYSTEM IN A PORTION OF
DOWNTOWN SAN DIEGO

WHEREAS, on April 20, 2023, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of the City of San Diego approval of an exemption from the City's prohibition against signs in the right of way and off-premises messages, and an exemption from certain automatic copy regulations as provided and limited to the terms and conditions set forth in that certain Ten-Year Marketing Agreement among the City of San Diego, Downtown San Diego Partnership, and IKE Smart City, LLC for a Digital Wayfinding System in a portion of Downtown San Diego; and

WHEREAS, the City of San Diego (City) has developed a Corporate Partnership Program to generate revenue to fund existing and additional facilities, projects, programs and activities through the development of mutually beneficial marketing partnerships between the City and a corporation or other business entity, where the corporation provides cash and in-kind goods and services to the City in exchange for access to the commercial marketing potential associated with the City; and

WHEREAS, the City's mobility, sustainability, health, economic, and social goals reflected in the City's 2008 San Diego General Plan support goals and policies that will help develop a city where walking is a viable travel choice, particularly for trips of less than one-half mile, foster a safe and comfortable pedestrian environment, creating a complete, functional, and interconnected pedestrian network, that is accessible to pedestrians of all abilities, and achieve greater walkability

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through pedestrian friendly street, site and building design (City of San Diego General Plan (2008), Mobility Element, Policy ME-F.4); and

WHEREAS, pedestrian improvements in areas with land uses that promote pedestrian activities can help to increase walking as a means of transportation and recreation and also help promote use of alternatives to automobile travel and contribute to the overall quality, vitality, and sense of community of our neighborhoods (City of San Diego General Plan (2008), Mobility Element, Policy ME-7); and

WHEREAS, the City issued a Request for Sponsorships (RFS) under the Corporate Partnership Program to identify a corporate partner interested in working with the City to develop a wayfinding program based upon the following goals: providing information to the public regarding wayfinding, storm warnings, emergency updates, information on homeless services, and bus schedules; improving navigation solutions for a range of modalities of travel; guiding residents and visitors to destinations, retailers, restaurants, hotels, parks, facilities, services and other businesses and attractions; promoting diverse mobility solutions (walking, bicycling, use of mass transit and other non-vehicular modes of transportation); providing helpful context and useful information while adhering to principles of environmental sustainability and equitable access; and

WHEREAS, due to a lack of funding, the City requested proposals for a wayfinding program that would operate without financial support from the City and provide revenue sharing to the City; and

WHEREAS, Downtown San Diego Partnership (DSDP) is a nonprofit organization that serves as the principal voice and driving force behind the economic prosperity and cultural vitality of Downtown San Diego through membership, advocacy, public services, and community investment, and also serves as the managing organization for several special districts including the Clean & Safe program that provide essential public services in the 275 blocks of Downtown; and

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WHEREAS, Ike Smart City, LLC (Ike Smart City) is an Ohio limited liability company that specializes in the design, development, and manufacture of innovative kiosks that activates the pedestrian experience with interactive touchscreens, an engaging suite of applications, and integrated features that support placemaking and wayfinding; and

WHEREAS, Ike Smart City and DSDP (collectively "IKE") jointly proposed a wayfinding program that will result in the installation, maintenance, and operation of a wayfinding system and that includes the sale of advertising displayed at the wayfinding kiosks to generate funding to support the program; and

WHEREAS, the City and IKE have negotiated that certain Marketing Partnership Agreement Between the City of San Diego and IKE for the Financing, Implementation, Management, and Operation of wayfinding kiosks in a portion of Downtown San Diego with City Marketing Rights and Benefits ("Agreement"); and

WHEREAS, the Agreement contains provisions to limit and control the size, amount, and type of advertising at each wayfinding kiosk to promote the City's important interests while preserving and improving the City's safety and aesthetics; and

WHEREAS, as part of the Agreement, the City would grant to IKE the right to install wayfinding kiosks in the public right-of-way after outreach to the public and subject to the City's approval of site locations and the City's encroachment removal conditions; and

WHEREAS, the proposed wayfinding kiosks further the City's interest in safety by promoting awareness and vibrancy through incorporation of kinetic lighting on the pedestrian side of the kiosks, an emergency call button, real-time emergency alerts, and providing public access to a wide range of topics, in a number of languages, including information on how to access social services and public safety resources; and

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WHEREAS, the wayfinding program furthers the City's stated interest in the Downtown Community Plan to make downtown more visitor-friendly by providing detailed maps in strategic locations and furthers the City's stated interest in promoting a safe, well-maintained, and attractive City by controlling the size, quantity, and type of allowed signage, which furthers the City's interest in aesthetics; and

WHEREAS, the wayfinding program would provide a significant benefit to the public without expenditure of City funds; and

WHEREAS, the City has determined that IKE's proposal meets the objectives of the Corporate Partnership Program and is otherwise in the best interests of the City; and

WHEREAS, IKE requested approval of a Ten-Year Marketing Agreement among the City of San Diego, Downtown San Diego Partnership, and IKE Smart City, LLC for a Digital Wayfinding System in a portion of Downtown San Diego, an exemption from the City's prohibition against signs in the right of way and off-premises messages, and an exemption from certain automatic copy regulations; and

WHEREAS, a notice of a public hearing concerning the adoption of this Planning Commission Ordinance was duly published once at least 10 days prior to such hearing in a newspaper of general circulation in the City; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; and

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval of the Ordinance Authorizing a limited exemption from the City's prohibition against signs in the right of way and off-premises

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messages contained in San Diego Municipal Code sections 142.1210(a), 142.1206(a)(1), and 142.1210(b)(5)(A) as provided and limited to the terms and conditions set forth in the Agreement and authorizing a limited exemption from certain automatic changing copy regulations and methods of display regulations contained in San Diego Municipal Code sections 141.1105(c) and 141.1105(d) as provided and limited to the terms and conditions set forth in the Agreement.

Sarah Brenha
Program Manager
Economic Development Department

Dated April 20, 2023
By a vote of: x:x:x

fm-10-10-18