

ORDINANCE NUMBER O- 20466 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 09 2015

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 153.0311 TO ADD A MIXED-USE CENTER ZONE AND RENUMBERING PREVIOUS SECTIONS 153.0311, 153.0312, 153.0313, 153.0314, AND 153.0315, RELATING TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE.

WHEREAS, Kilroy Realty Corporation (Applicant), filed an application with the City of San Diego for a rezone, a Municipal Code amendment, amendments to the General Plan, the Carmel Valley Community Plan, and the Carmel Valley Employment Center Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for a phased mixed-use development consisting of multi-family residential, commercial retail, and commercial offices known as the One Paseo project (Project); and

WHEREAS, the 23.6 acre site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive, with Interstate 5 one quarter mile to the west and State Route 56 approximately one mile to the south; and

WHEREAS, the Applicant has proposed adding a new Mixed-Use Center zone (CVPD-MC) to the Carmel Valley Planned District and rezoning the Project site from Employment Center to Mixed-Use Center; and

WHEREAS, the proposed Mixed-Use Center zone allows for a diverse number of land uses, including residential, retail, restaurants, workplace, and civic activities, with the intent of creating a compact, multi-functional mixed use community village; and

WHEREAS, the use and development regulations of the Mixed-Use Center zone are based on the Citywide Community Commercial (CC-5-5) zone, which is intended to accommodate development with a high intensity, pedestrian orientation. Other development regulations of the Mixed-Use Center zone include maximum building height and setback requirements; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by amending Section 153.0311 to read as follows:

§153.0311 Mixed-Use Center (MC)

(a) Purpose and Intent

The purpose of the Mixed-Use Center zone is to create a community village which is compact, multi-functional, and pedestrian-oriented. The Mixed-Use Center zone permits a diversity of uses, including residential multiple dwelling units, retail sales, offices, and commercial services. All development shall be consistent with the Carmel Valley Employment Center Development Unit No. 2 Precise Plan.

(b) Use Regulations

- (1) The use regulations for the CC-5-5 zone of the Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as specified in this section.
- (2) Uses within the Mixed-Use Center zone shall be subject to the minimum use requirements shown in Table 153-03F.

Table 153-03F
Minimum Use Requirements

Use Category	Minimum Development Use ⁽¹⁾
Retail and Commercial Sales	20%
Office	20%
Multiple Dwelling Units	40%
Public Space	10%

Footnote to Table 153-03F

¹ See the Carmel Valley Employment Center Development Unit No. 2 Precise Plan for the maximum amount of use.

- (3) The primary use in the ground floor of structures adjacent to areas designated for street activating uses at ground floor, as identified in Diagram 153-03A, shall be limited to the following uses described in Chapters 13 and 14, and subject to the permitting process in Table 131-05B for the CC-5-5 zone:
 - (A) Residential (including accessory uses associated with Multiple Dwelling Units);
 - (B) Museums;
 - (C) Retail Sales (including separately Regulated Retail Sales Uses);
 - (D) Commercial Services, including Separately Regulated Commercial Services Uses (excluding Building Services,

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

(1) Setbacks

(A) Del Mar Heights Road - 30 feet

(B) High Bluff Drive - 30 feet

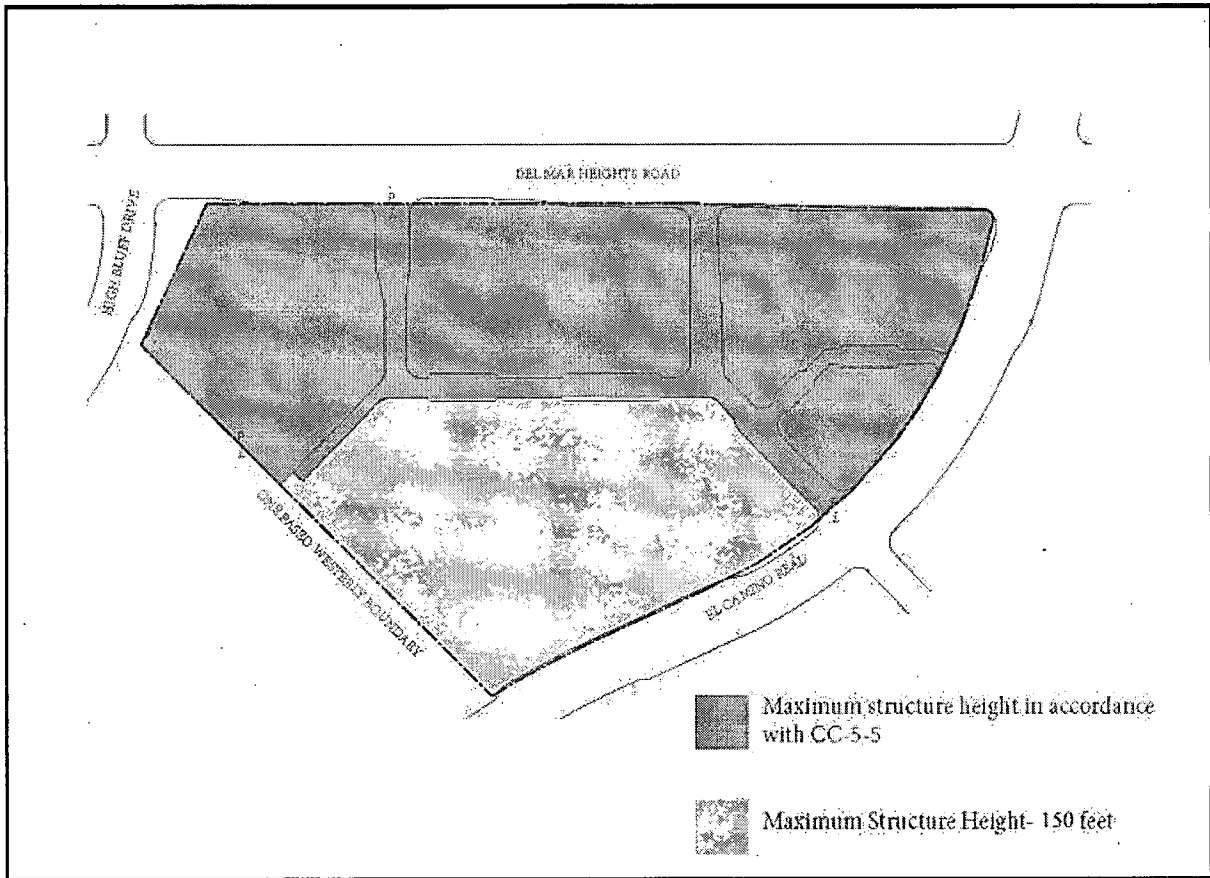
(C) El Camino Real - 30 feet, except that a maximum of 30 percent of a structure may maintain a minimum setback of 10 feet

(D) One Paseo Westerly Property Boundary - 15 feet

(2) Maximum Structure Height

The maximum structure height shall be in accordance with Diagram 153-03B.

Diagram 153-03B
Maximum Structure Height



(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.40.

(d) Supplemental Development Regulations

- (1) Density and Intensity - The number of dwelling units or total gross floor area shall comply with the CC-5-5 zone and the applicable land use plan. The dwelling units or total gross floor area may be distributed without regard to the proposed lot boundaries provided the distribution is consistent with the land use transfer provisions

of the Carmel Valley Employment Center Development Unit No. 2

Precise Plan.

- (2) A minimum eight-foot wide non-contiguous sidewalk shall be provided on Del Mar Heights Road and El Camino Real.

(e) Parking

The development regulations of Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply, except the required number of parking spaces shall be determined in accordance with a shared parking study approved by the City Manager.

(f) Landscape

The development regulations of Chapter 14, Article 2, Division 4 (Landscape Regulations) shall apply, except as follows:

**Table 153-03G
Planting Requirements for the CVPD-MC Zone**

Type of Area	Planting Area Required (Percent of Total Area)	Plant Points Required ⁽¹⁾
Street Yard	25%	0.05 points
Remaining Yard	30%	0.05 points
Plaza (includes Paseos)	15%	0.02 points
Private Amenity Open Space	5%	0.02 points

Footnote to Table 153-03G

¹ Points shall be calculated based upon Table 142-04B Plant Point Schedule in Section 142.0403.

(1) Plazas and Paseos

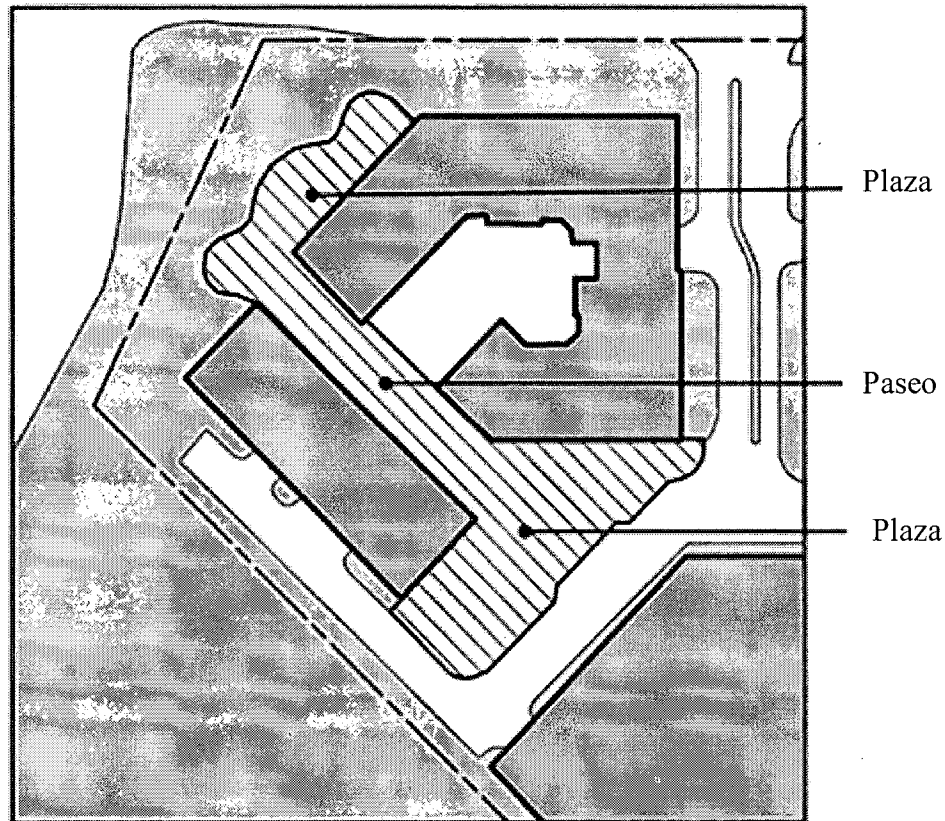
Plaza means an outdoor area designed to be used as a public space.

A Plaza can include one or a combination of paving, play areas, seating areas, water features, useable lawn areas, shrub beds, and

plants in containers. Paseos are pedestrian ways that connect a Plaza with other spaces or uses and are considered a part of the Plaza for purposes of overall calculation of landscape area and point requirements for each Plaza. Diagram 153-03C illustrates the relationship between Plazas and Paseos.

- (A) Plazas are subject to the planting area and point requirements in Table 153-03G.
- (B) At least one-half of the required planting points shall be achieved with trees.
- (C) Plazas developed on structural podiums may satisfy all planting area and point requirements with raised planters and pots with a minimum inside dimension of 24 inches. Raised planters and pots for trees shall have a minimum inside width of 48 inches.

Diagram 153-03C
Concept Illustration of Plaza and Paseo



(2) Private Amenity Open Space

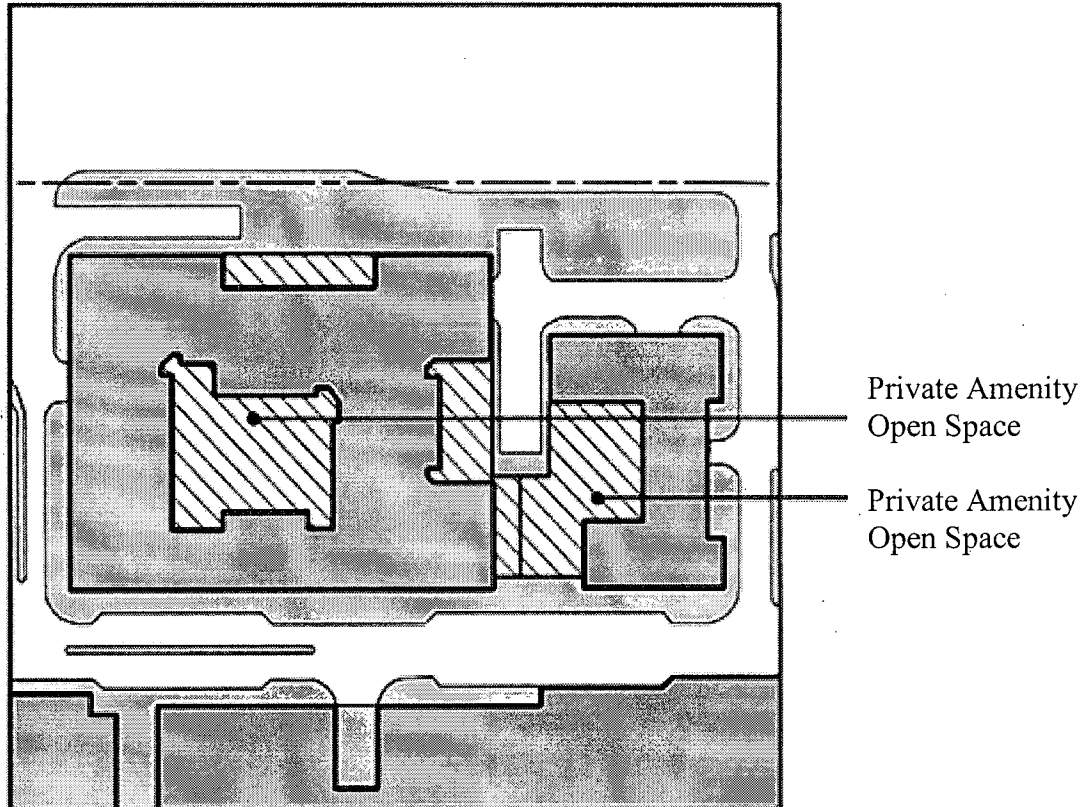
Private amenity open space means a private outdoor area intended for the exclusive use of building occupants.

Diagram 153-03D illustrates a private amenity open space area.

- (A) Private amenity open spaces are subject to the planting area and point requirements in Table 153-03G.
- (B) Required planting may be achieved by trees, shrubs, or any combination of the two.
- (C) Planting may be provided in raised planters and pots with a minimum inside dimension of 24 inches including on-

structure planters. Raised planters and pots for trees shall have a minimum inside width of 48 inches.

Diagram 153-03D
Conceptual Illustration of
Typical Private Amenity Open Space

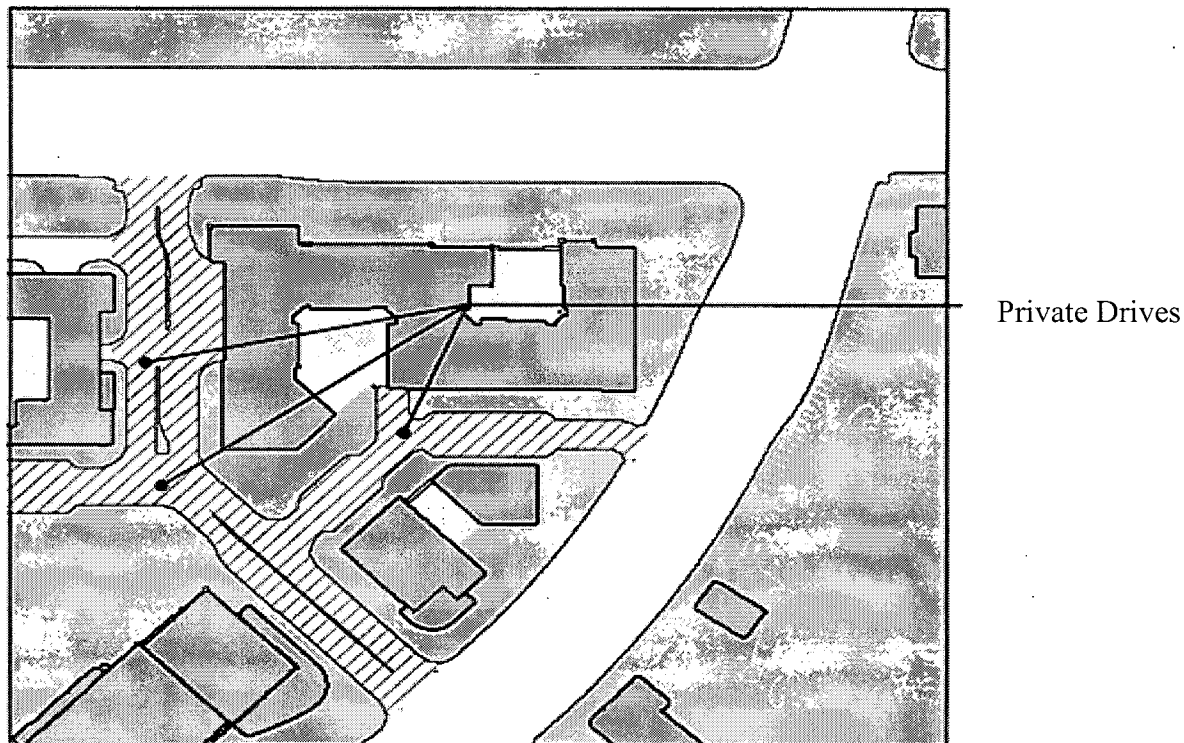


(3) Private Drives

Private drive means a nonpublic thoroughfare. Private drives connect public rights-of-way to multiple locations within a development. Diagram 153-03E illustrates private drives.

- (A) The number of trees required for each private drive frontage shall be calculated at the average rate of one 24 inch box canopy tree for every 40 feet of private drive frontage. Tree spacing may be varied to accommodate site conditions or design considerations.
- (B) Trees shall be planted between the curb and the internal street wall. Where there is no street wall, trees shall be located within 12 feet of the curb-line along the private drive frontage.
- (C) Trees planted along private drives shall be separated from improvements by the minimum distance shown in Table 142-04E in Section 142.0409.

Diagram 153-03E
Typical Private Drives



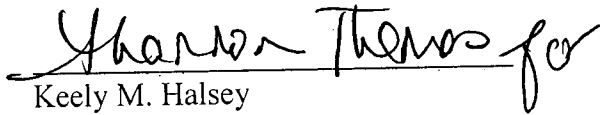
Section 2. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by renumbering previous Sections as follows:

- §153.0312 Open Space (OS)**
[No change in text.]
- §153.0313 Floodway Zone**
[No change in text.]
- §153.0314 Floodplain Fringe Zone**
[No change in text.]
- §153.0315 A-1-10 Agricultural Zone**
[No change in text.]

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

KMH:dkr
02/03/2015
03/05/2015 COR. COPY
Or.Dept: DSD
Doc. No.: 878387_6

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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§153.0311 **Mixed-Use Center (MC)**

(a) **Purpose and Intent**

The purpose of the Mixed-Use Center zone is to create a community village which is compact, multi-functional, and pedestrian-oriented. The Mixed-Use Center zone permits a diversity of uses, including residential multiple dwelling units, retail sales, offices, and commercial services. All development shall be consistent with the Carmel Valley Employment Center Development Unit No. 2 Precise Plan.

(b) **Use Regulations**

(1) The use regulations for the CC-5-5 zone of the Land Development Code Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as specified in this section.

(2) Uses within the Mixed-Use Center zone shall be subject to the minimum use requirements shown in Table 153-03F.

Table 153-03F
Minimum Use Requirements

<u>Use Category</u>	<u>Minimum Development Use⁽¹⁾</u>
<u>Retail and Commercial Sales</u>	<u>20%</u>
<u>Office</u>	<u>20%</u>
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Footnote to Table 153-03F

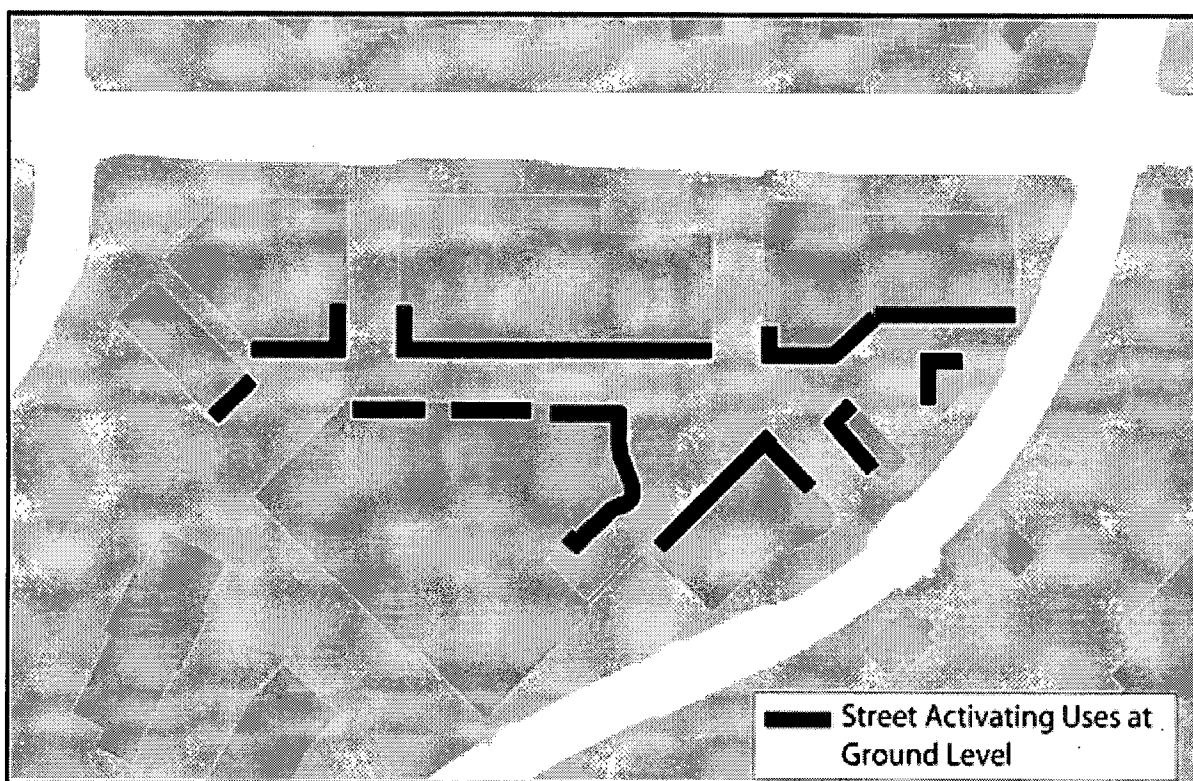
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- (A) Residential (including accessory uses associated with Multiple Dwelling Units);
- (B) Museums;
- (C) Retail Sales (including separately Regulated Retail Sales Uses);
- (D) Commercial Services, including Separately Regulated Commercial Services Uses (excluding Building Services, Funeral and Mortuary Services, Off-Site Services, and Radio and Television Studios); or

- (E) Offices (limited to Medical, Dental, and Health Practitioner), including Separately Regulated Office Uses.

Diagram 153-03A
Street Activating Uses



(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

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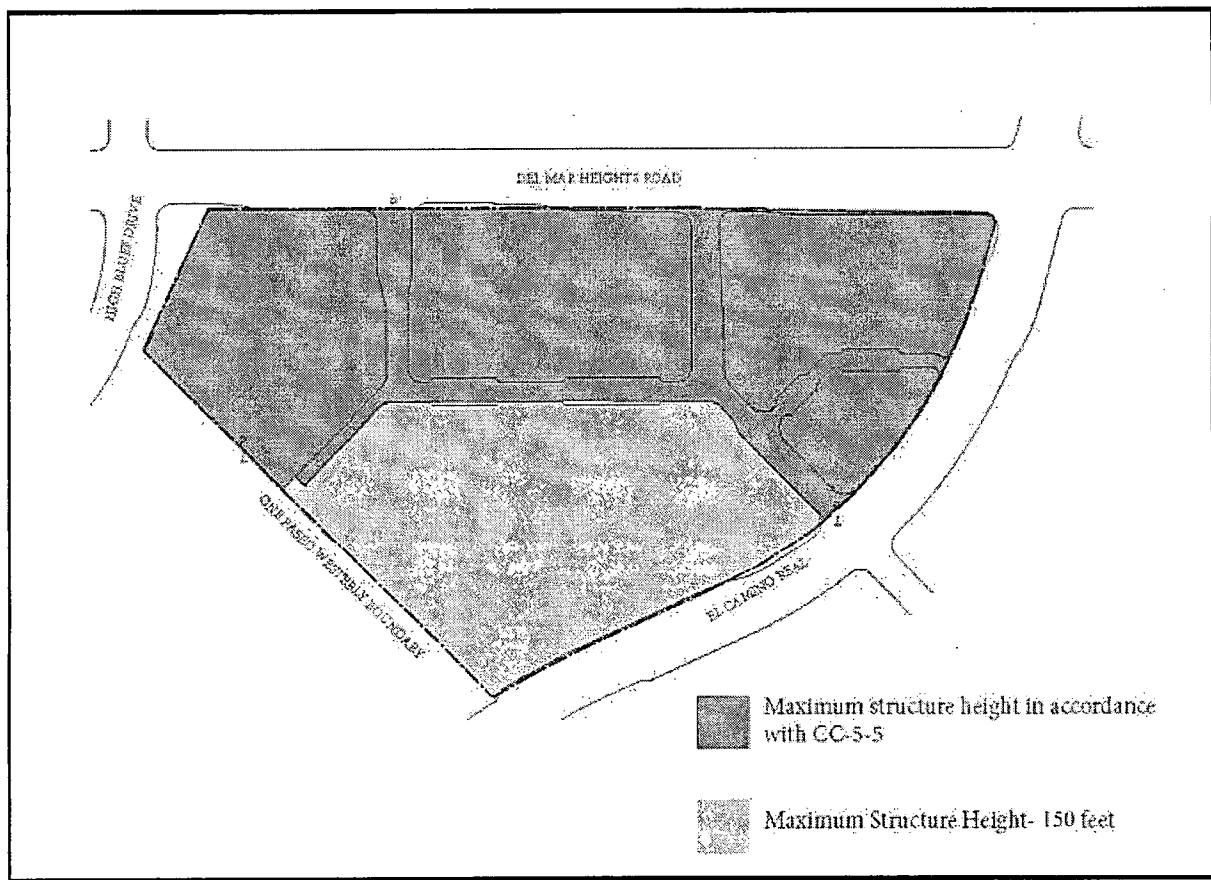
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(2) Maximum Structure Height

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Diagram 153-03B
Maximum Structure Height



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The maximum floor area ratio is 1.40.

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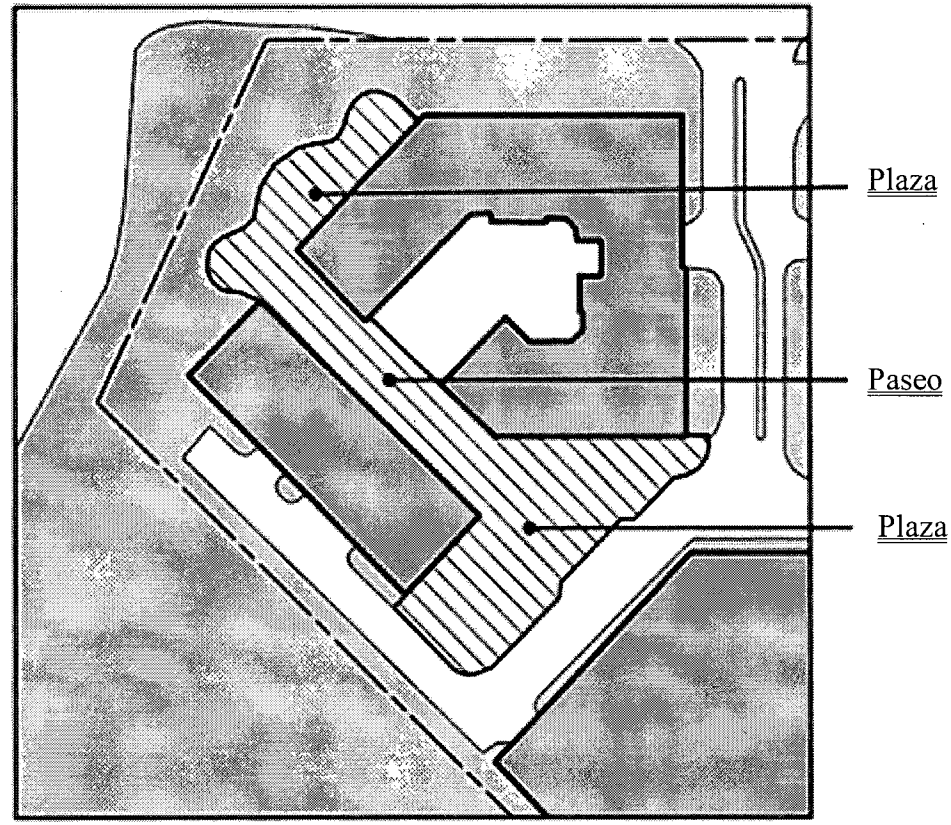
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Diagram 153-03C
Concept Illustration of Plaza and Paseo



(2) Private Amenity Open Space

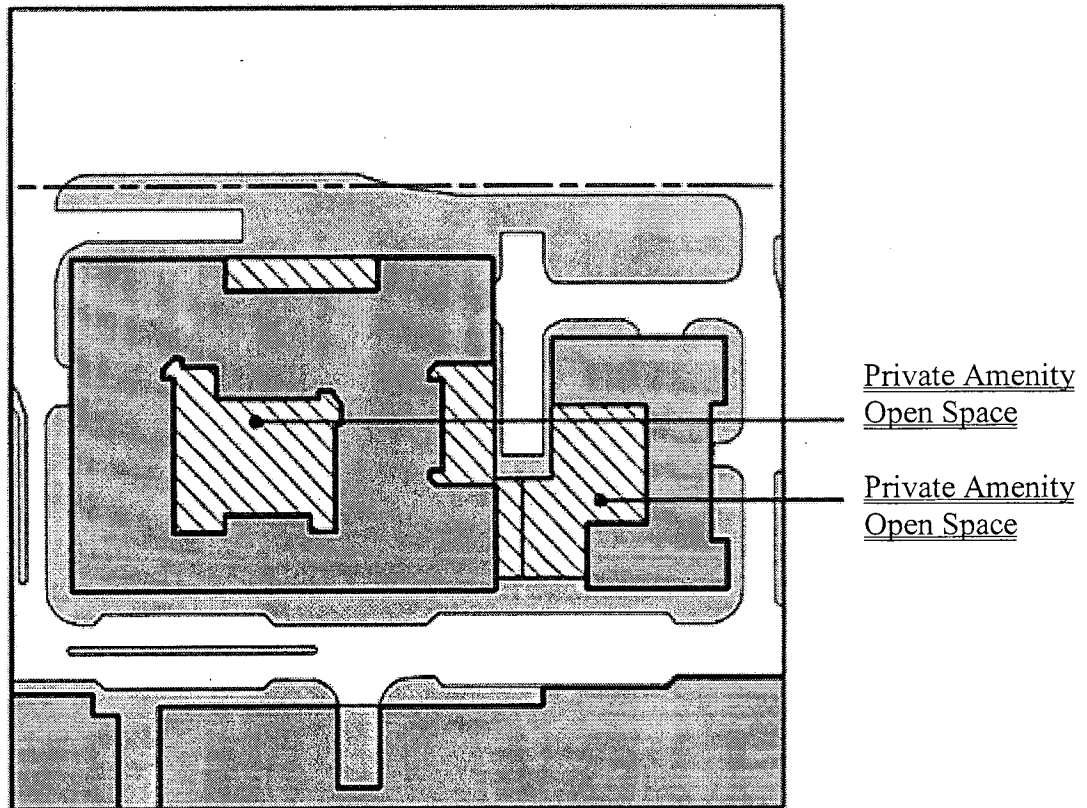
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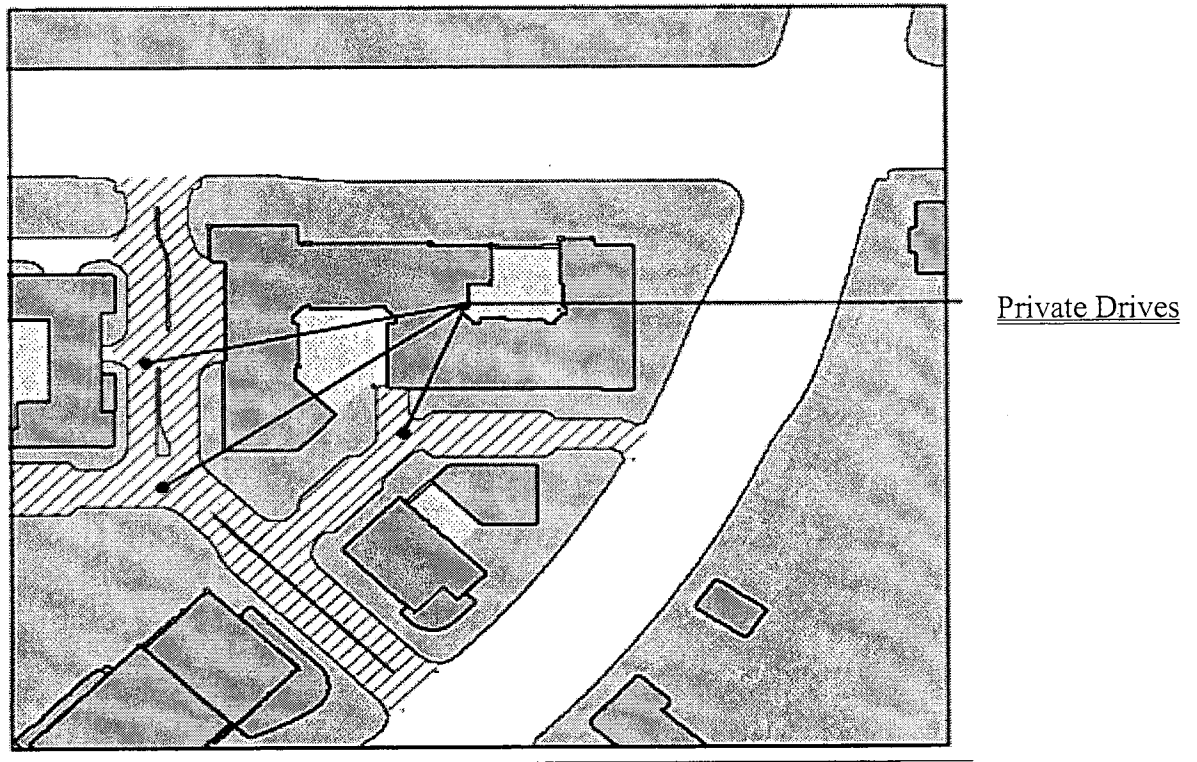


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Diagram 153-03E
Typical Private Drives



§153.03142 **Open Space (OS)**
[No change in text.]

§153.03123 **Floodway Zone**
[No change in text.]

§153.03134 **Floodplain Fringe Zone**
[No change in text.]

§153.03145 **A-1-10 Agricultural Zone**
[No change in text.]

CLN:KMH:dkr
02/03/2015
03/05/2015 COR. COPY
Or.Dept: DSD
Doc. No.: 865149_7

Passed by the Council of The City of San Diego on MAR 09 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 09 2015

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on FEB 23 2015, and on MAR 09 2015.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **20466**