

ORDINANCE NUMBER O- 20675 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 12 2016

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 153.0311 RELATING TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE AND WAIVING THE REQUIREMENT OF A PLANNING COMMISSION HEARING AND RECOMMENDATION PRIOR TO THE PASSAGE OF THIS ORDINANCE.

WHEREAS, Kilroy Realty, L.P., a Delaware Limited Partnership (Applicant), filed an application with the City of San Diego for 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 New 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 amending the Mixed-Use Center zone (CVPD-MC) to the Carmel Valley Planned District; and

WHEREAS, due to recusals, the Planning Commission of the City of San Diego was unable to obtain a quorum to hear and provide a recommendation on the Project; 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) [No change in text.]
- (b) Use Regulations
 - (1) [No change in text.]
 - (2) The minimum percentage of the ground floor development required for each land use component is shown in Table 153.03F. Areas of the site that are required for public rights-of-way and private driveways shall not be included in the calculation of the percentage of the site that is devoted to each use. The percentages listed apply to the ground floor and do not preclude additional uses on upper floors. The balance of the site area may be developed as commercial, residential, mixed use, open space, or public use as needed to implement the applicable land use plan.

**Table 153-03F
Land Use Mix**

Minimum Land Use Mix	
Land Use Component	Minimum Percentage of Ground Floor Development
Retail and Commercial Sales	20%
Office	20%
Multiple Dwelling Units	40%
Public Space	10%

(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) through (B) [No change in text.]

(C) El Camino Real - 30 feet

(D) [No change in text.]

(2) Maximum Structure Height

The maximum allowable height shall be in accordance with the CC-5-5 zone, except that the maximum allowable height for development where the primary use is commercial office shall be 120 feet.

(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2.

(d) through (e) [No change in text.]

(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

[No change in text.]

Footnote to Table 153-03G [No change in text.]

(1) [No change in text.]

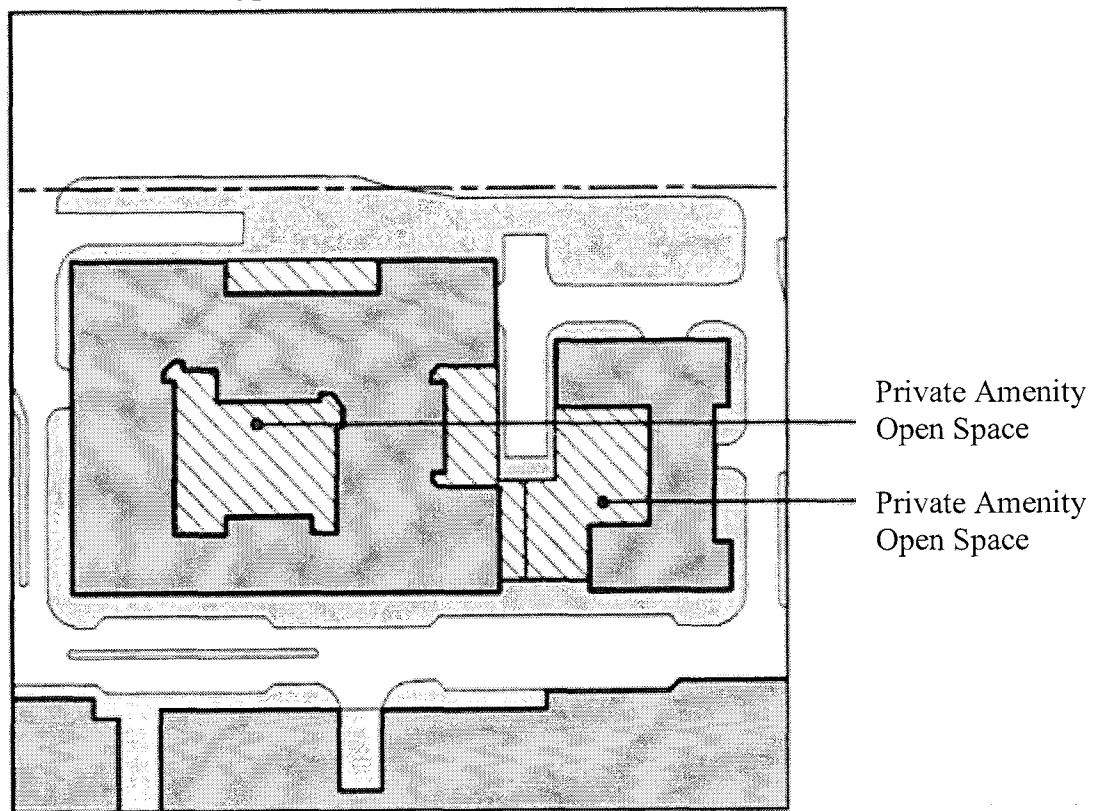
(2) Private Amenity Open Space

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

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

(A) through (B) [No change in text.]

Diagram 153-03B
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.

(A) through (C) [No change in text.]

Section 2. That, notwithstanding San Diego Municipal Code sections 112.0509 and 111.0107, which provides for a Planning Commission hearing and recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this ordinance.

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: _____


Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
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06/21/16 COR. COPY 2
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Or.Dept:DSD
Doc. No.: 1284980_4

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 153.0311 RELATING TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE AND WAIVING THE REQUIREMENT OF A PLANNING COMMISSION HEARING AND RECOMMENDATION PRIOR TO THE PASSAGE OF THIS ORDINANCE.

§153.0311 Mixed-Use Center (MC)

(a) [No change in text.]

(b) Use Regulations

(1) [No change in text.]

(2) The minimum percentage of the ground floor development required for each land use component is shown in Table 153-03F. Areas of the site that are required for public rights-of-way and private driveways shall not be included in the calculation of the percentage of the site that is devoted to each use. The percentages listed apply to the ground floor and do not preclude additional uses on upper floors. The balance of the site area may be developed as commercial, residential, mixed use, open space, or public use as needed to implement the applicable land use plan. 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 Land Use Mix

<u>Minimum Land Use Mix</u>	
<u>Use Category</u> <u>Land Use</u> <u>Component</u>	<u>Minimum Development</u> <u>Use⁽⁺⁾</u> <u>Percentage of Ground</u> <u>Floor Development</u>
Retail and Commercial Sales	20%
Office	20%
Multiple Dwelling Units	40%
Public Space	10%

Footnote to Table 153-03F

⁺ 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);

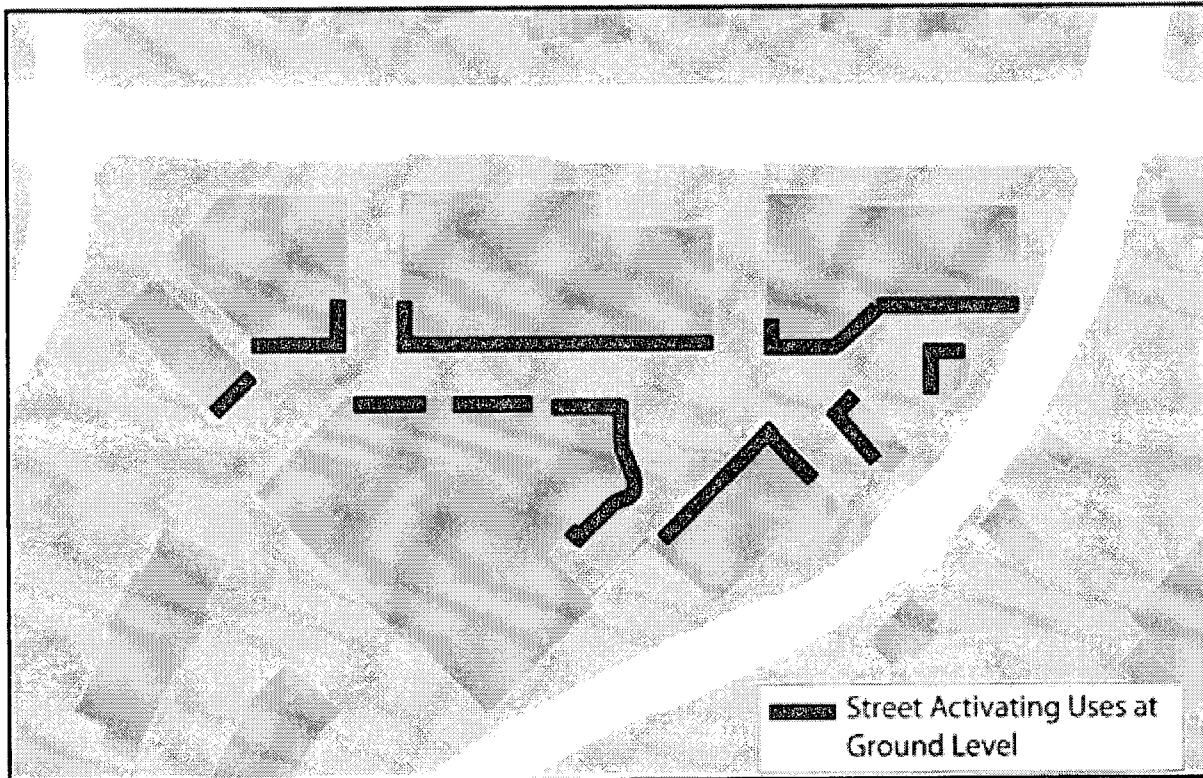
(B) Museums;

(C) Retail Sales (including separately Regulated Retail Sales Uses);

(D) Commercial Services, including Separately Regulated Commercial Services Uses (excluding Building Services, 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:

(1) Setbacks

(A) through (B) [No change in text.]

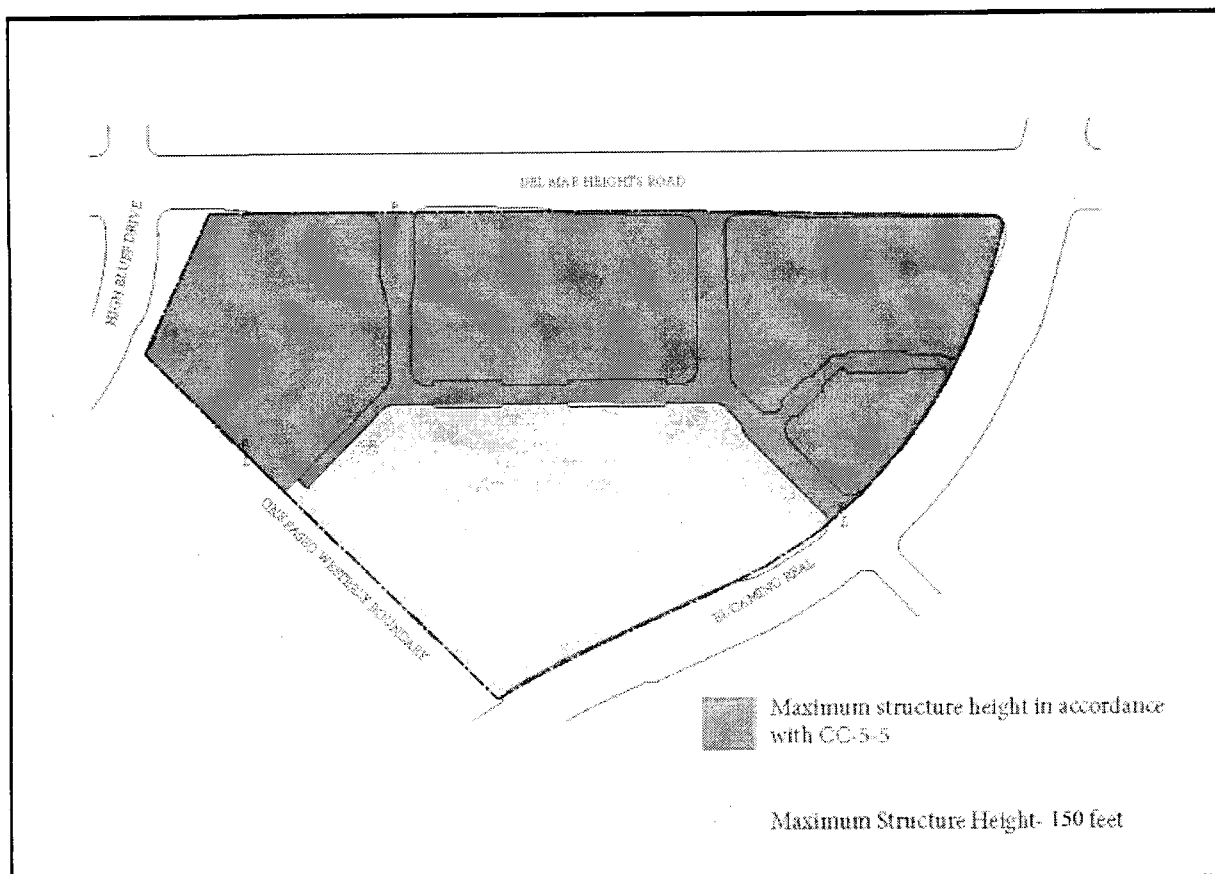
(C) El Camino Real - 30 feet, ~~except that a maximum of 30 percent of a structure may maintain a minimum setback of~~ 10 feet

(D) [No change in text.]

(2) Maximum Structure Height

The maximum allowable height shall be in accordance with the CC-5-5 zone, except that the maximum allowable height for development where the primary use is commercial office shall be 120 feet, 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 1.401.2.

(d) through (e) [No change in text.]

(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

[No change in text.]

Footnote to Table 153-03G [No change in text.]

(1) [No change in text.]

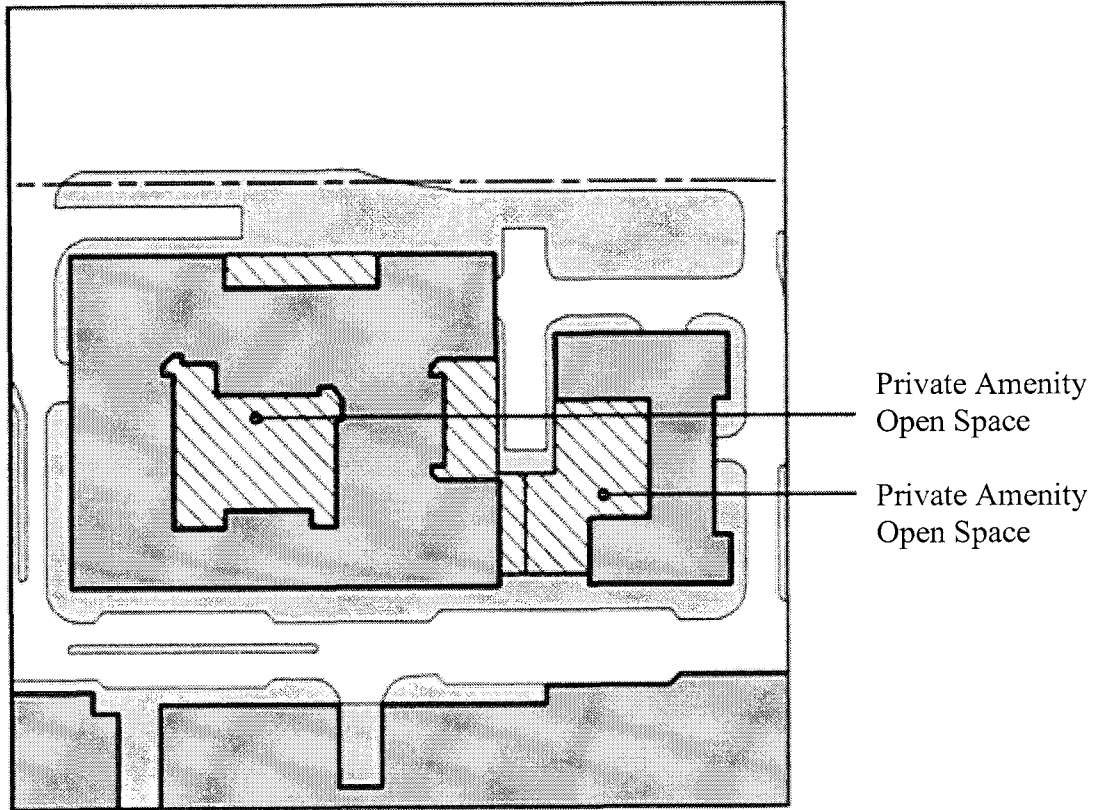
(2) Private Amenity Open Space

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

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

(A) through (B) [No change in text.]

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

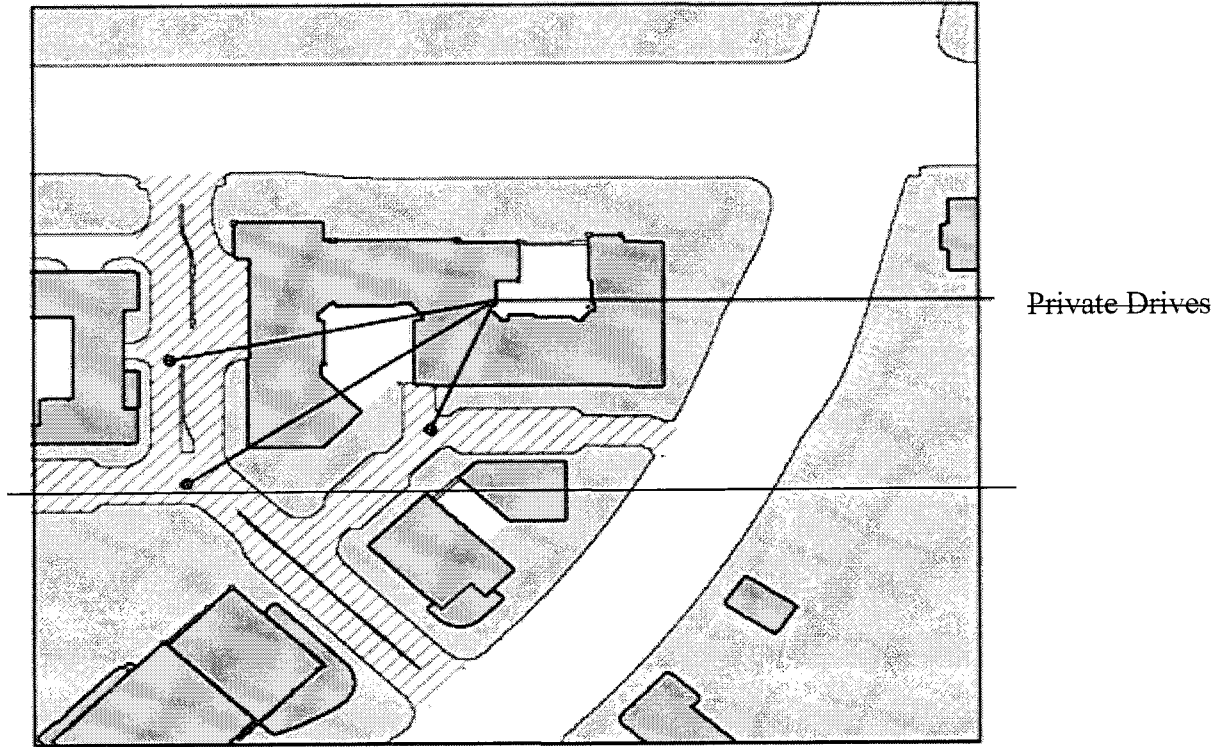


(3) Private Drives

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) through (C) [No change in text.]

Diagram 153-03E
Typical Private Drives



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Or.Dept:DSD
Doc. No.: 1284974_4

Passed by the Council of The City of San Diego on JUL 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 12 2016.

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 *Mary Fernandez*, 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

JUN 27 2016, and on JUL 12 2016.

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 *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20675