

ORDINANCE NUMBER O- 20823 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 05 2017

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 142.0530, RELATING TO PARKING REGULATIONS IN THE COMMERCIAL NEIGHBORHOOD ZONES.

WHEREAS, on November 15, 2016, the City Council adopted the North Park Community Plan Update; and on December 1, 2016, the City Council adopted the Uptown Community Plan Update (Community Plan Updates); and

WHEREAS, the Community Plan Updates included zoning ordinances to zone parcels CN-1-4 and CN-1-5 to be consistent with the Neighborhood Commercial land use designations in the Community Plan Updates; and

WHEREAS, amendments to the Land Development Code Parking Regulations are proposed to include parking ratios for the CN-1-4 and CN-1-5 zones, which had been inadvertently omitted when the CN-1-4 and CN-1-5 zones were originally included in the Land Development Code and will assist in the proper implementation of these zones; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 142.0530, to read as follows:

**§142.0530 Nonresidential Uses — Parking Ratios**

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.

Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts

shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

**Table 142-05E**  
**Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use Development**

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus Below Grade <i>Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
Commercial Zones, CC-1-1 through CN-1-4 [No change in text.]	[No change in text.]		
CN-1-5	2.5	2.1	6.5
Commercial Zones, CR-1-1 through Planned Districts, West Lewis Street [No change in text.]	[No change in text.]		

Footnotes for Table 142-05E [No change in text.]

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor area* in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use on a premises*.

**Table 142-05F  
Parking Ratios for Eating and Drinking Establishments**

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(1)</sup> Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(2)</sup>		
	Minimum Required Outside a Transit Area	Minimum Required Within a Transit Area <sup>(3)</sup>	Maximum Permitted
<b>Commercial Zones, CC-1-1 through CN-1-3</b> [No change in text.]	[No change in text.]		
CN-1-4	2.5	2.1	25.0
CN-1-5	2.5	2.1	25.0
<b>Commercial Zones, CR-1-1 through Planned Districts, West Lewis Street</b> [No change in text.]	[No change in text.]		

**Footnotes for Table 142-05F** [No change in text.]

(c) through (h) [No change in text.]

Section 2. 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 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force as of the date of the finding of

consistency by SDCRAA, provided that and not until at least thirty days have passed from the final date of passage, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments


submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

If the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 3, above.

APPROVED: MARA W. ELLIOTT, City Attorney

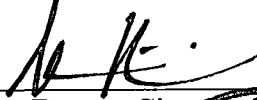
By

  
\_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

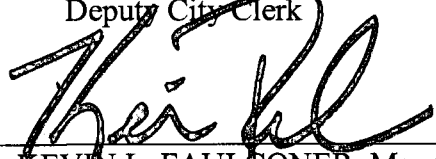
CLN:dkr  
February 23, 2017  
Or.Dept:Planning  
Doc. No.: 1449883\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 25 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/5/17  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 142.0530, RELATING TO PARKING REGULATIONS IN THE COMMERCIAL NEIGHBORHOOD ZONES.

**§142.0530 Nonresidential Uses — Parking Ratios**

- (a) Retail Sales, Commercial Services, and Mixed-Use Development.

Table 142-05E establishes the ratio of required parking spaces to building *floor* area in the commercial zones, industrial zones, and planned districts shown, for retail sales uses and for those commercial service uses that are not covered by Table 142-05F or 142-05G. Table 142-05E also establishes the required parking ratios for mixed-use developments in a single *structure* that include an allowed use from at least two of the following use categories: (1) retail sales, (2) commercial services, and (3) offices.

**Table 142-05E**  
**Parking Ratios for Retail Sales, Commercial Services, Offices, and Mixed-Use**  
**Development**

Zone	Parking Spaces Required per 1,000 Square Feet of <i>Floor Area</i> Unless Otherwise Noted ( <i>Floor Area</i> Includes <i>Gross Floor Area</i> plus <del>below</del> <u>Below</u> <i>Grade Floor Area</i> and Excludes <i>Floor Area</i> Devoted to Parking)		
	Required Automobile Parking Spaces <sup>(1)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(2)</sup>	Maximum Permitted
<b>Commercial Zones,</b> CC-1-1 through CN-1-4 [No change in text.]	[No change in text.]		
<u>CN-1-5</u>	<u>2.5</u>	<u>2.1</u>	<u>6.5</u>
<b>Commercial Zones,</b> CR-1-1 through <b>Planned Districts,</b> West Lewis Street [No change in text.]	[No change in text.]		

**Footnotes For for Table 142-05E** [No change in text.]

- (b) Eating and Drinking Establishments. Table 142-05F establishes the required ratio of parking spaces to building *floor area* in the commercial zones, industrial zones, and planned districts shown, for eating and drinking establishments that are the *primary use on a premises*.



**Table 142-05F  
Parking Ratios for Eating and Drinking Establishments**

Zone	Parking Spaces Required per 1,000 Square Feet of Eating and Drinking Establishment <sup>(1)</sup> <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus below <u>Below</u> Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>		
	Required Automobile Parking Spaces <sup>(2)</sup>		
	Minimum Required Outside a <i>Transit Area</i>	Minimum Required Within a <i>Transit Area</i> <sup>(3)</sup>	Maximum Permitted
<b>Commercial Zones, CC-1-1 through CN-1-3</b> [No change in text.]	[No change in text.]		
<u>CN-1-4</u>	<u>2.5</u>	<u>2.1</u>	<u>25.0</u>
<u>CN-1-5</u>	<u>2.5</u>	<u>2.1</u>	<u>25.0</u>
<b>Commercial Zones, CR-1-1 through Planned Districts, West Lewis Street</b> [No change in text.]	[No change in text.]		

Footnotes ~~For~~ for Table 142-05F [No change in text.]

(c) through (h) [No change in text.]

CLN:dkr  
February 23, 2017  
Or.Dept:Planning  
Doc. No.: 1449086\_2

Passed by the Council of The City of San Diego on APR 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

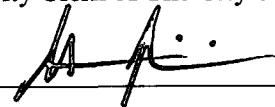
Date of final passage MAY 05 2017

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 , 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

APR 11 2017, and on MAY 05 2017

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 , Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20823</u>