

ORDINANCE NUMBER O- 21546 (NEW SERIES)DATE OF FINAL PASSAGE OCT 12 2022

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 86.0104; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 5 BY AMENDING SECTION 98.0510; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 112.0203; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0503; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 112.0602; AND AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTION 157.0203 ALL RELATED TO COMMUNITY PLANNING GROUP REFORM.

WHEREAS, the San Diego Municipal Code (Municipal Code) requires Community Planning Groups to participate in decisions involving angle parking, project selection and funding, and the approval or denial of projects requiring a Gaslamp Quarter Development Permit; and

WHEREAS, these amendments to the Municipal Code remove Community Planning Groups as a required component of the decision-making process and limit the number of required public hearings in the Municipal Code; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 1 of the San Diego Municipal Code is amended by amending section 86.0104 to read as follows:

§86.0104 Angle Parking

(a) through (b) [No change in text.]

- (c) The City Manager may install angle parking on any street without City Council approval provided that:
- (1) through (2) [No change in text.]
 - (3) a City-recognized community parking district or Business Improvement District, having some or all of the proposed angle parking within its geographical area of responsibility, does not object to the proposed angle parking.
- (d) The City Manager may remove or modify existing angle parking on any street without City Council approval provided that:
- (1) through (2) [No change in text.]
 - (3) a City-recognized community parking district, or Business Improvement District, having some or all of the existing angle parking within its geographical area of responsibility, does not object to the removal or modification of the angle parking.
- (e) A written petition may be submitted to the City Manager that demonstrates approval for the proposed installation, removal, or modification of angle parking from:
- (1) [No change in text.]
 - (2) all City-recognized community parking districts, and Business Improvement Districts having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (f) [No change in text.]

- (g) At least 60 calendar days prior to installing, removing, or modifying angle parking without City Council approval, the City Manager shall provide notice in accordance with Municipal Code section 11.0301 to affected property owners and tenants. The City Manager shall also provide notice to all City-recognized community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (1) [No change in text.]
- (2) The notice may include the date of the next public meeting of, and contact information for, all City-recognized community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (h) [No change in text.]
- (i) If the City Manager receives a written objection within 60 calendar days of notice from a majority of affected property owners and tenants, or a City-recognized community parking district, or Business Improvement District, having some or all of the proposed or existing angle parking within its geographical area of responsibility, the City Manager shall not install, remove, or modify angle parking without City Council approval.
- (j) [No change in text.]

Section 2. That Chapter 9, Article 8, Division 5 of the San Diego Municipal Code is amended by amending section 98.0510 to read as follows:

§98.0510 Project Selection and Disbursement of Funds

The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

Section 3. That Chapter 11, Article 2, Division 2 of the San Diego Municipal Code is amended by amending section 112.0203 to read as follows:

§112.0203 Waiver of Fees or Deposits

If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

Section 4. That Chapter 11, Article 2, Division 5 of the San Diego Municipal Code is amended by amending section 112.0503 to read as follows:

§112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0504. A Process Two decision shall be made in the following manner:

- (a) [No change in text.]
- (b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision

shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

Section 5. That Chapter 11, Article 2, Division 6 of the San Diego Municipal Code is amended by amending section 112.0602 to read as follows:

§112.0602 Process CIP/Public Project-Two

An application for a Site Development Permit for a *capital improvement program project* or a public project determined to be in compliance with the Environmentally Sensitive Lands Regulations, Historical Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone shall be acted upon in accordance with Process CIP/Public Project-Two. An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

(a) [No change in text.]

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision

shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

Section 6. That Chapter 15, Article 7, Division 2 of the San Diego Municipal Code is amended by amending section 157.0203 to read as follows:

§157.0203 Gaslamp Quarter Development Permit Procedures

(a) Permit Review Process

All projects requiring a Gaslamp Quarter Development Permit pursuant to Section 157.0201(b)(1) shall be processed as follows:

(1) through (2) [No change in text.]

(3) The City Council may approve, conditionally approve or deny new construction of buildings up to 125 feet in height with an *FAR* of up to 6.0 on sites of 30,000 square feet or more located south of Island Avenue, subject to Section 157.0302(a)(4), in accordance with Process Five. The *development* shall be reviewed, and a recommendation provided by the Historical Resources Board and the Planning Commission prior to consideration by the City Council.

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

Section 7. 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.

Section 8. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 9. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

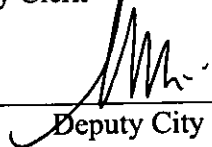
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney

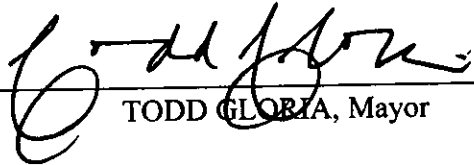
NJB:nja
08/26/2022
Or. Dept: Council District - 1
Doc. No.: 2843256

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/12/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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§86.0104 Angle Parking

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- (c) The City Manager may install angle parking on any street without City Council approval provided that:
 - (1) through (2) [No change in text.]
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- (d) The City Manager may remove or modify existing angle parking on any street without City Council approval provided that:
 - (1) through (2) [No change in text.]

- (3) a City-recognized ~~community planning group~~, community parking district, or Business Improvement District, having some or all of the existing angle parking within its geographical area of responsibility, does not object to the removal or modification of the angle parking.
- (e) A written petition may be submitted to the City Manager that demonstrates approval for the proposed installation, removal, or modification of angle parking from:
 - (1) [No change in text.]
 - (2) all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (f) [No change in text.]
- (g) At least 60 calendar days prior to installing, removing, or modifying angle parking without City Council approval, the City Manager shall provide notice in accordance with Municipal Code section 11.0301 to affected property owners and tenants. The City Manager shall also provide notice to all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.
 - (1) [No change in text.]

(2) The notice may include the date of the next public meeting of, and contact information for, all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.

(h) [No change in text.]

(i) If the City Manager receives a written objection within 60 calendar days of notice from a majority of affected property owners and tenants, or a City-recognized ~~community planning group~~, community parking district, or Business Improvement District, having some or all of the proposed or existing angle parking within its geographical area of responsibility, the City Manager shall not install, remove, or modify angle parking without City Council approval.

(j) [No change in text.]

§98.0510 Project Selection and Disbursement of Funds

(a) ~~All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.~~

(b) The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

§112.0203 Waiver of Fees or Deposits

- (a) ~~Appeal fees are waived for community planning groups officially recognized under City Council Policy 600-24.~~
- (b) If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

§112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0504. A Process Two decision shall be made in the following manner:

- (a) [No change in text.]
- (b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

~~This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if~~

~~requested by the group's chair, or the chair's designee.~~ Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§112.0602 Process CIP/Public Project-Two

An application for a Site Development Permit for a *capital improvement program project* or a public project determined to be in compliance with the Environmentally Sensitive Lands Regulations, Historical Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone shall be acted upon in accordance with Process CIP/Public Project-Two. An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

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~~This 11 business days minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 business days to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the applicant and to those persons who request notification in accordance with this section, no later than 2 business days after the decision date.~~

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(a) Permit Review Process

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

(O-2023-35)

NJB:nja
08/26/2022
Or. Dept: Council District - 1
Doc. No.: 2843260

Passed by the Council of The City of San Diego on OCT 03 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 12 2022.

AUTHENTICATED BY:

TODD GLORIA
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

SEP 13 2022

OCT 12 2022

, and on _____.

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- 21546