

#59  
02/27/2024

(O-2024-58)  
COR. COPY

ORDINANCE NUMBER O- 21770 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 04 2024

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 141.0421; AND AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0530; RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS FOR CERTIFICATION OF THE 2020 SAN DIEGO LAND DEVELOPMENT CODE/MUNICIPAL CODE UPDATE.

WHEREAS, on January 26, 2021, the Council of the City of San Diego (Council) adopted amendments to the Land Development Code to update the City's Municipal Code (2020 Land Development Code Update); and

WHEREAS, the 2020 Land Development Code Update contained changes to the Land Development Code, which serves as the Implementation Plan for the City's certified Local Coastal Program (LCP); and

WHEREAS, as an amendment to the City's certified LCP, the 2020 Land Development Code Update must be certified by the California Coastal Commission as consistent with Coastal Act Policies prior to being effective in the Coastal Overlay Zone; and

WHEREAS, on September 7, 2023, the California Coastal Commission considered certification of the 2020 Land Development Code Update; and

WHEREAS, the California Coastal Commission conditionally approved the 2020 Land Development Code Update with modifications relating to clarifying the Coastal Development Permit process for outdoor dining on private property in the Coastal Overlay Zone to add new regulations specifying how applicants can offset the removal of automobile parking spaces for outdoor dining within the Beach Impact Area of the Parking Overlay Zone; and

WHEREAS, the City desires to accept the California Coastal Commission's modifications; 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 14, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 141.0421, to read as follows:

**§141.0421     *Placemaking on Private Property***

*Placemaking* on private property is permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), subject to the following regulations:

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

(f)     A *placemaking* project shall only occur on *premises* that are vacant at the time the Temporary Use Permit application is submitted or within parking lots on *premises* within *transit priority areas*, except in existing disabled accessible parking spaces serving the *premises*.

(1)     Within the Coastal Overlay Zone, a Coastal Development Permit for outdoor dining on private property shall be issued as a Building Permit in accordance with Process One as specific in Chapter 12, Article 9, Division 2.

(2)     Within the Beach Impact Area of the Parking Overlay Zone (Chapter 13, Article 2, Division 8), an *applicant* that removes automobile parking spaces for outdoor dining that would be

required by Parking Regulations (Chapter 14, Article 2, Division 5) shall provide for the duration of the *placemaking* project:

(A) Standard regional adult monthly transit passes to requesting employees or tenants equal to 2 passes for each automobile parking space replaced, up to the number of on-site employees and tenants. Notice of the availability of monthly transit passes shall be posted by the *applicant* in an area on the *premises* where it can easily be seen by the employees or tenants. The notice shall include a statement that the monthly transit passes are required for *placemaking* pursuant to the San Diego Municipal Code; and

(B) One of the following vehicle miles traveled reduction measures on the *premises*:

- (i) Shared bicycle fleet equal to 2 bicycles for each automobile parking space replaced, or 5 bicycles, whichever is greater;
- (ii) Electric battery charging stations for micro-mobility devices that are available to the public equal to 1 charging station for each automobile space replaced, or 5 charging stations, whichever is less;

- (iii) Micro-mobility parking area that is available to the public with a minimum of 2 micro-mobility parking spaces for each automobile parking space replaced;
  - (iv) Carpool parking spaces with a minimum of 1 carpool parking space for each automobile parking space replaced; or
  - (v) Long-term bicycle parking (covered, lockable enclosures for bicycles) equal to 2 per the number of automobile parking spaces replaced, or 5 long-term bicycle parking spaces, whichever is less.
- (3) The vehicle miles traveled reduction measures required in Section 141.0421(f) shall be in addition to the requirements to minimums required in the Parking Regulations (Chapter 14, Article 2, Division 5).

(g) through (j) [No change in text.]

Section 2. 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) [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>(1,7)</sup> <i>Floor Area Unless Otherwise Noted (Floor Area Includes Gross Floor Area plus Below Grade Floor Area and Excludes Floor Area Devoted to Parking)</i>			
	[No change in text.]			
	Minimum Required Outside a Transit Area or Parking Standards Transit Priority Area	Minimum Required Within a Parking Standards Transit Priority Area <sup>(6)</sup>	Minimum Required Within a Transit Area <sup>(3)</sup>	Maximum Permitted
Commercial Zones				
[No change in text.]				

**Footnotes for Table 142-05F**

<sup>1</sup> Eating and Drinking Establishments. The minimum automobile parking ratios apply to eating and drinking establishments that do not have a common parking area with any other uses. There is no minimum parking requirement or maximum permitted parking for outdoor dining. With *Transit Priority Areas*, minimum required parking can be replaced by a *placemaking* project if a Temporary Use Permit is obtained in accordance with Section 123.0402. Within the CN, CO and CV Zones, the minimum automobile parking required can also be replaced with bicycle parking at a ratio of 2 bicycle parking spaces provided for every required vehicle parking space. Within the Coastal Overlay Zone, outdoor dining areas such as decks, patios, terraces, etc., are considered part of the eating and drinking establishment's *gross floor area* and are included in calculating parking requirements.

<sup>2</sup> through <sup>6</sup> [No change in text.]

<sup>7</sup> Within the Beach Impact Area of the Parking Impact Overlay Zone (Chapter 13, Article 2, Division 8), an *applicant* that replaces automobile parking spaces for bicycle parking spaces that would be required by the Parking Regulations (Chapter 14, Article 2, Division 5) shall install micro-mobility charging stations on the *premises* that are available to the public equal to 1 charging station for each automobile space replaced, or 5 charging stations, whichever is less.

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 not take effect and be in force until the date the California Coastal Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By

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

CLN:cc  
January 10, 2024  
March 18, 2024 COR. COPY  
Or.Dept: Planning  
Doc. No. 3525185\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

(See attached memo and signature page.)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 533-5800**

**DATE:** March 19, 2024

**TO:** Sonia Pickens, Municipal Code Administrator, Office of the City Clerk  
Connie Patterson, Legislative Recorder, Office of the City Clerk  
Gilbert Sanchez, Associate Management Analyst, Office of the City Clerk

**FROM:** City Attorney *CLW*

**SUBJECT:** Corrections to City Attorney Ordinance and Digest O-2024-58, adopted February 27, 2024 (Item #59)

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This Memorandum is presented, pursuant to San Diego Charter (Charter) section 275(a), to notify the Office of the City Clerk that this Office has made corrections of typographical errors to City Attorney Ordinance and Digest O-2024-58, amending the San Diego Municipal Code and Local Coastal Program related to accepting the California Coastal Commission's suggested modifications for certification of the 2020 San Diego Land Development Code/Municipal Code Update. This Office approves of the below corrections, as permitted under the provisions of Charter section 275(a).<sup>1</sup>

The corrections are as follows:

1. Ordinance, page 6: Section 4. The word "not" has been added to the first line of this section.
2. Digest, page 2: The word "not" has been added to the first paragraph, first line.

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<sup>1</sup> Charter section 275 addresses modifications to ordinances after second reading, as follows:

An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

Sonia Pickens  
Connie Patterson  
Gilbert Sanchez  
March 19, 2024  
Page 2

No other changes were made to the ordinance or digest.

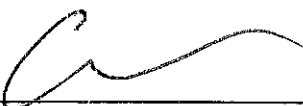
CLN:cc  
Doc. No. 3596723  
cc: Diana Fuentes, City Clerk  
Attachment:  
City Attorney Ordinance O-2024-58 COR. COPY  
City Attorney Digest O-2024-58 COR. COPY



Section 4. That this Ordinance shall take effect and be in force until the date the California Coastal Commission unconditionally certifies these provisions as a Local Coastal Program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Corrine L. Neuffer  
Chief Deputy City Attorney

CLN:cc  
January 10, 2024  
Or.Dept: Planning  
Doc. No. 3525185

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES  
City Clerk

By

  
Deputy City Clerk

Approved: \_\_\_\_\_

3/4/24  
(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 \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 141.0421; AND AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 142.0530; RELATING TO ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS FOR CERTIFICATION OF THE 2020 SAN DIEGO LAND DEVELOPMENT CODE/MUNICIPAL CODE UPDATE.

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(A) Standard regional adult monthly transit passes to requesting employees or tenants equal to 2 passes for each automobile parking space replaced, up to the number of on-site employees and tenants. Notice of the availability of monthly transit passes shall be posted by the applicant in an area on the premises where it can easily be seen by the employees or tenants. The notice shall include a statement that the monthly transit passes are required for placemaking pursuant to the San Diego Municipal Code; and

(B) One of the following vehicle miles traveled reduction measures on the premises:

- (i) Shared bicycle fleet equal to 2 bicycles for each automobile parking space replaced, or 5 bicycles, whichever is greater;
- (ii) Electric battery charging stations for micro-mobility devices that are available to the public equal to

1 charging station for each automobile space

replaced, or 5 charging stations, whichever is less;

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(a) [No change in text.]

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	[No change in text.]			
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CLN:cc  
 January 10, 2024  
 Or.Dept: Planning  
 Doc. No. 3525190

Passed by the Council of The City of San Diego on FEB 27 2024, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 MAR 04 2024.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, 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 12 2024

MAR 04 2024

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)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21770