

#51
10/22/19
(O-2020-30)

ORDINANCE NUMBER O- 21142 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 24 2019

IT. 11.11
11/19/19

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 129.0710, AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 141.0421, RELATING TO PLACEMAKING IN THE PUBLIC RIGHT-OF-WAY AND ON PRIVATE PROPERTY.

WHEREAS, on May 22, 2018, the City Council of the City of San Diego adopted Ordinance No. O-20928 (Placemaking Ordinance) amending the San Diego Municipal Code to allow placemaking in the public right-of-way and on private property; and

WHEREAS, provisions of the Placemaking Ordinance would amend the City's local coastal program and thus require certification by the California Coastal Commission (Commission) before they may take effect; and

WHEREAS, on June 13, 2019, the Commission approved the Placemaking Ordinance on the condition that Coastal Development Permits be required for placemaking within the Coastal Overlay Zone; and

WHEREAS, the City Council desires to accept the Commission's modifications to require Coastal Development Permits for placemaking within the Coastal Overlay Zone and also to make non-substantive corrections to the Placemaking Ordinance; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending section 129.0710, to read as follows:

§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public

Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) through (c) [No change in text.]
- (d) Notwithstanding Sections 129.0710(a)-(c), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for *placemaking* in the *public right-of-way*, subject to the following regulations:
 - (1) *Applicants* proposing a *placemaking* project in the *public right-of-way* shall demonstrate to the satisfaction of the City Manager that the project constitutes a lawful use of the *public right-of-way*.
 - (2) through (9) [No change in text.]
 - (10) In the Coastal Overlay Zone, an *applicant* for a *placemaking* project in the *public right-of-way* shall obtain a Coastal Development Permit pursuant to Section 126.0702.

Section 2. 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 (i) [No change in text.]

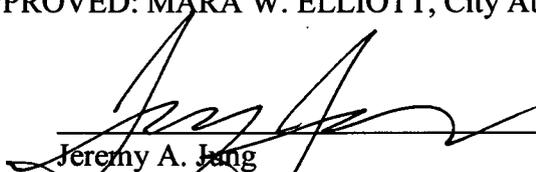
- (j) In the Coastal Overlay Zone, an *applicant* for a *placemaking* project on private property shall obtain a Coastal Development Permit pursuant to Section 126.0702.

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 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


Jeremy A. Jang
Deputy City Attorney

JAJ:als

07/22/2019

Or.Dept: Economic Dev't

Doc. No.: 2019465_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 22 2019.

ELIZABETH S. MALAND
City Clerk

By *Dinda Krwin*
Deputy City Clerk

Approved: 10/24/19
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

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

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§129.0710 How to Apply for a Public Right-of-Way Permit

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) through (c) [No change in text.]
- (d) Notwithstanding Sections 129.0710(a)-(d~~c~~), a *development permit* is not required prior to issuance of a Public Right-of-Way Permit for *placemaking* in the *public right-of-way*, subject to the following regulations:

- (1) ~~Applicants~~ Applicants proposing a *placemaking* project in the *public right-of-way* shall demonstrate to the satisfaction of the City Manager that the project constitutes a lawful use of the *public right-of-way*.

(2) through (9) [No change in text.]

(10) In the Coastal Overlay Zone, an applicant for a placemaking project in the public right-of-way shall obtain a Coastal Development Permit pursuant to Section 126.0702.

§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 (i) [No change in text.]

(i) In the Coastal Overlay Zone, an applicant for a placemaking project on private property shall obtain a Coastal Development Permit pursuant to Section 126.0702.

JAJ:als
07/22/2019
Or.Dept: Economic Dev't
Doc. No.: 2019141_2

Passed by the Council of The City of San Diego on OCT 22 2019, 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"/> |
| Jennifer Campbell | <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"/> |
| Monica Montgomery | <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"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gómez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage OCT 24 2019.

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 Ginda Irwin, 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

OCT 08 2019, and on OCT 24 2019.

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 Ginda Irwin, Deputy

Office of the City Clerk, San Diego, California
21142
Ordinance Number O-_____