

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 14, ARTICLE 2, DIVISION 5 BY AMENDING SECTIONS 142.0505, 142.0525, AND ADDING NEW SECTION 142.0528; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0313; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 4 BY AMENDING SECTION 157.0401; AMENDING CHAPTER 15, ARTICLE 11, DIVISION 4 BY AMENDING SECTION 1511.0401, ALL RELATING TO TRANSIT PRIORITY AREA PARKING REGULATIONS.

This Ordinance adds new section 142.0528 to the San Diego Municipal Code to eliminate minimum parking requirements for multiple dwelling unit residential development within transit priority areas and requires that one or more specified transportation amenities be provided based on the calculation of a “Transportation Amenity Score.” Development that includes affordable housing, that involves four or fewer units, or that is within the Centre City, Gaslamp, or Marina Planned Districts, is excepted from the transportation amenity requirement.

This Ordinance also requires that any off-street parking provided by multiple dwelling unit residential development within transit priority areas be leased or sold separately from the purchase or rental price of the dwelling units. Development that includes affordable housing, or that involves four or fewer units, is excepted from this requirement.

This Ordinance also imposes maximum parking requirements for residential development in the Centre City, Gaslamp, and Marina Planned Districts, and eliminates loading bay requirements for residential development in the Centre City and Marina Planned Districts. Parking in excess of the maximum would be allowed under certain conditions.

This Ordinance also deletes an unused definition from the Land Development Code.

This Ordinance contains a notice that a full reading of this Ordinance is dispensed with prior to its final passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

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

If the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, 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.

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.

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.

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, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 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 a 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 that final decision, 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.

No permit shall be issued for development that is inconsistent with the provisions of this Ordinance unless a complete application for such permit is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

A complete copy of this Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

JAJ:als
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