

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

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

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 3,  
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 153.0311 RELATING TO THE  
CARMEL VALLEY PLANNED DISTRICT ORDINANCE AND  
WAIVING THE REQUIREMENT OF A PLANNING  
COMMISSION HEARING AND RECOMMENDATION PRIOR  
TO THE PASSAGE OF THIS ORDINANCE.

WHEREAS, Kilroy Realty, L.P., a Delaware Limited Partnership (Applicant), filed an application with the City of San Diego for a Municipal Code amendment, amendments to the General Plan, the Carmel Valley Community Plan, and the Carmel Valley Employment Center Precise Plan, a Vesting Tentative Map (including public right-of-way and easement vacations), a Site Development Permit, a Conditional Use Permit, and a Neighborhood Development Permit for a phased mixed-use development consisting of multi-family residential, commercial retail, and commercial offices known as the New One Paseo project (Project); and

WHEREAS, the 23.6-acre site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive, with Interstate 5 one-quarter mile to the west and State Route 56 approximately one mile to the south; and

WHEREAS, the Applicant has proposed amending the Mixed-Use Center zone (CVPD-MC) to the Carmel Valley Planned District; and

WHEREAS, due to recusals, the Planning Commission of the City of San Diego was unable to obtain a quorum to hear and provide a recommendation on the Project; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 153.0311, to read as follows:

**§153.0311 Mixed-Use Center (MC)**

- (a) [No change in text.]
- (b) Use Regulations
  - (1) [No change in text.]
  - (2) The minimum percentage of the proposed development required for each land use component is shown in Table 153.03F. Areas of the site that are required for public rights-of-way and private driveways shall not be included in the calculation of the percentage of the site that is devoted to each use. The percentages listed apply to the ground floor and do not preclude additional uses on upper floors. The balance of the site area may be developed as commercial, residential, mixed use, open space, or public use as needed to implement the applicable land use plan.

**Table 153-03F  
Land Use Mix**

Minimum Land Use Mix	
Land Use Component	Minimum Percentage of Ground Floor Development
Retail and Commercial Sales	20%
Office	20%
Multiple Dwelling Units	40%
Public Space	10%

(c) Development Regulations

The development regulations of the CC-5-5 zone of Chapter 13, Article 1, Division 5 (Commercial Base Zones) shall apply, except as follows:

(1) Setbacks

(A) through (B) [No change in text.]

(C) El Camino Real - 30 feet

(D) [No change in text.]

(2) Maximum Structure Height

The maximum allowable height shall be in accordance with the CC-5-5 zone, except that the maximum allowable height for development where the primary use is commercial office shall be 120 feet.

(3) Maximum Floor Area Ratio

The maximum floor area ratio is 1.2.

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

(f) Landscape

The development regulations of Chapter 14, Article 2, Division 4 (Landscape Regulations) shall apply, except as follows:

**Table 153-03G**  
**Planting Requirements for the CVPD-MC Zone**

[No change in text.]
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Footnote to Table 153-03G [No change in text.]

(1) [No change in text.]

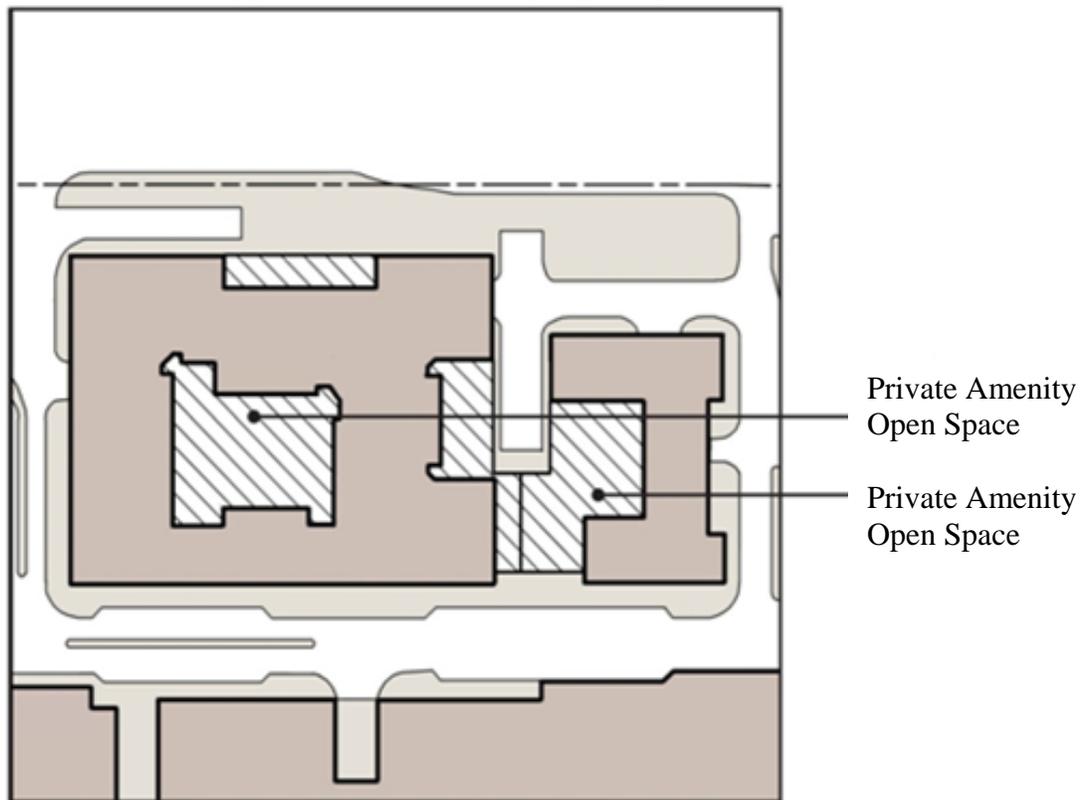
(2) Private Amenity Open Space

Private amenity open space means a private outdoor area intended for the exclusive use of building occupants.

Diagram 153-03B illustrates a private amenity open space area.

(A)through (B) [No change in text.]

**Diagram 153-03B**  
**Conceptual Illustration of**  
**Typical Private Amenity Open Space**



(3) Private Drives

Private drive means a nonpublic thoroughfare. Private drives connect public rights-of-way to multiple locations within a development.

(A)through (C) [No change in text.]

Section 2. That, notwithstanding San Diego Municipal Code sections 112.0509 and 111.0107, which provides for a Planning Commission hearing and recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this ordinance.

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 take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: \_\_\_\_\_

Corrine L. Neuffer  
Deputy City Attorney

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