

ORDINANCE NUMBER O- 20268 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 02 2013

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 127.0102, AND AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0443 RELATED TO DEVELOPMENT IN PREVIOUSLY CONFORMING SETBACKS

WHEREAS, on May 14, 2013, O- 20261 related to the 8th Update to the Land Development Code and Related Provisions (8th Update), was introduced before the City Council; and

WHEREAS, the Council desired to adopt the 8th Update with revisions related to development in previously conforming setbacks; and

WHEREAS, in order to expedite the adoption of numerous other changes in the 8th Update, the Council desired to adopt the 8th Update, and to introduce a separate ordinance to remove certain provisions related to development in previously conforming setbacks that would be adopted by the 8th Update; and

WHEREAS, under Charter Section 275(a), the revisions related to development in previously conforming setbacks must be re-introduced; NOW, THEREFORE,

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

Section 1. That contingent upon O- 20261 becoming effective, Chapter 12, Article 7, Division 1 of the San Diego Municipal Code is amended by amending section 127.0102, to read as follows:

§127.0102 General Rules for Previously Conforming Premises and Uses

The following general rules apply to all *previously conforming premises* and uses:

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

Section 2. That contingent upon O- 20261 becoming effective, Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0443, to read as follows:

§131.0443 Setback Requirements in Residential Zones

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

(d) *Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

(1) [No change in text.]

(2) *Side Setbacks* in RM-1-1, RM-1-2, RM-1-3 Zones

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

(C) Where there is an existing *development* on the *premises* with the side *setback* less than the current requirement and the building is to be maintained, new *development* may observe the existing side *setback* for 50 percent of the length of the *building envelope* on a *floor-by-floor* basis.

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

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance is contingent upon the 8th Update becoming effective, and therefore shows revisions to the San Diego Municipal Code based on the 8th Update.

Section 5. 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 Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports, this ordinance shall take effect and be in force as of the date of the finding of consistency by the SDCRAA Board, provided that and not until at least 30 days have passed from the date of final passage, 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 MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field 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 MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field 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.

If the SDCRAA determines this ordinance is inconsistent with the ALUCPs for MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, 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, California Department of Transportation, Division of Aeronautics, and the airport operators for the MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports; and 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 any a final decision to overrule a determination of inconsistency shall require a two-thirds vote. Then, this ordinance shall take effect and be in force thirty days from the date of the final decision to overrule the determination of inconsistency 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.

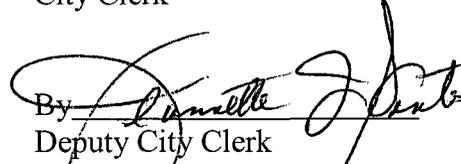
APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
5/17/13
Or.Dept: DSD
Document No. 564844

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 18 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/2/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUN 18 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<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"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 02 2013

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Elizabeth S. Maland*, 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

JUN 04 2016, and on JUL 02 2013

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Elizabeth S. Maland*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 120268