

ORDINANCE NUMBER O- 20755 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0431, RELATING TO THE RESIDENTIAL-MULTIPLE UNIT BASE ZONE WITHIN THE COASTAL HEIGHT LIMIT OVERLAY ZONE IN THE PENINSULA COMMUNITY PLAN AREA.

WHEREAS, effective December 7, 1972, a voter initiative established a maximum zoning height in coastal areas of the City of San Diego, known as the Coastal Height Limit Overlay Zone; and

WHEREAS, the City also has City-wide zones that establish a maximum structure height; and

WHEREAS, the coastal height limit and the maximum City-wide zoning heights are separate requirements that are calculated and measured in significantly different ways; and

WHEREAS, the City has flexibility to modify its established maximum zoning heights to be more restrictive than the voter-approved coastal height limit, but is unable to modify the coastal height limit provisions without approval by the City of San Diego voters; and

WHEREAS, the maximum 30-foot building height in the Coastal Height Limit Overlay Zone (also known as "Prop D" and the "Coastal Height Limit") requires "the base of measurement of the height" to be in accordance with the 1970 Uniform Building Code; and

WHEREAS, the City-wide zone height measurement is instead taken from the lower of existing grade or proposed grade; and

WHEREAS, community concerns regarding multiple-unit residential development higher than 30 feet above existing grade within the Coastal Height Limit Overlay Zone in the Peninsula community prompted requests for code amendments within the RM base zones; and

WHEREAS, in response, amendments are proposed to reduce the base zoning height limit to a maximum of 30 feet on properties in the Peninsula Community Plan area that are located within the RM-2, RM-3, RM-4, and RM-5 base zones and the Coastal Height Limit Overlay Zone; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0431, to read as follows:

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04C, 131-04D, 131-04E, 131-04F, and 131-04G.

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

(e) RM Zones

Table 131-04G
Development Regulations for RM Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
		1st & 2nd >>	RM-				
	3rd >>	1-	1-	1-	2-	2-	2-
	4th >>	1	2	3	4	5	6
Maximum permitted density^{(1),(2)} (sf per DU) through <i>Setback</i> requirements for resubdivided corner lots [See Section 131.0443(i)] [No change in text.]		[No change in text.]					
Max structure height (ft)		30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	30 ⁽¹⁷⁾	40 ^(18, 37)	40 ^(18, 37)	40 ^(18, 37)
Max lot coverage through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]					

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
		1st & 2nd >>	RM				
	3rd >>	3-	3-	3-	4-	4-	5-
	4th >>	7	8	9	10	11	12
Maximum permitted density^{(1),(2)} (sf per DU) through <i>Setback</i> requirements for resubdivided corner lots [See Section 131.0443(i)] [No change in text.]		[No change in text.]					
Max structure height (ft)		40 ⁽³⁷⁾	50 ⁽³⁷⁾	60 ⁽³⁷⁾	_(37)	_(37)	_(37)
Max lot coverage through Visibility Area [See Section 113.0273] [No change in text.]		[No change in text.]					

Footnotes for Table 131-04G

¹ through ³⁶ [No change in text.]

³⁷ Within the Coastal Height Limit Overlay Zone in the Peninsula Community Plan area, the base zone maximum *structure height* shall be 30 feet, which shall be determined in accordance with Section 113.0270(a)(4)(D).

Section 2. 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 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) 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, 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.

That 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.

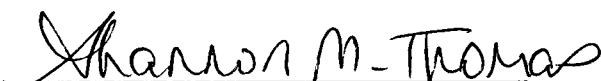
That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and 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.

That 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 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 a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless such permits have been granted by the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

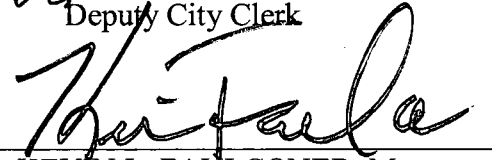
SMT:als
09/16/2016
10/24/2016 Cor.Copy
Or.Dept:DSD
Doc. No.: 1341047_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/28/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

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

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SMT:als
09/16/2016
10/24/2016 Cor.Copy
Or.Dept: DSD
Doc. No.: 1341167_3

Passed by the Council of The City of San Diego on NOV 15 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sheri Lightner	<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"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

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 Linda Bruen, 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 24 2016, and on DEC 01 2016

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 Linda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20755