

ORDINANCE NUMBER O- 20770 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1402, TABLE 132-14A AND 132.1403, DIAGRAM 132-14K ALL RELATING TO THE UPTOWN COMMUNITY PLAN UPDATE AND COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE.

WHEREAS, the Uptown Community Plan was initially adopted in 1975, and subsequently updated and adopted in 1988; and

WHEREAS, Resolution No. R-310767, which was considered along with this Ordinance, proposes to adopt a comprehensive update to the Uptown Community Plan; and

WHEREAS, Ordinance No. O-20771, was considered along with this Ordinance, rezoning the land within the Uptown planning area to use citywide zones as set forth in San Diego Municipal Code Chapter 13, Division 1; and

WHEREAS, the City Council adopted the Interim Height Ordinance to regulate high-rise development until the effective date of a zoning ordinance implementing the updated Uptown Community Plan; and

WHEREAS, the boundaries of the Uptown Community Plan Implementation Overlay (CPIOZ) zone are proposed to be amended and to regulate building height per the updated Uptown Community Plan and the proposed amendment is a de minimis amendment to the City's certified Local Coastal Program; and

WHEREAS, the proposed CPIOZ Type A identifies areas within the Uptown community where ministerial approval would be granted for development not exceeding 50 feet in height in Mission Hills and 65 feet in height in Hillcrest and Bankers Hill/Park West; and

WHEREAS, proposed development projects that exceed the height limitations set forth in the CPIOZ Type A may be approved to the maximum allowed height of the applicable base zone, or the maximum allowed floor area of the base zone for zones without a maximum height limit with a Site Development Permit per Chapter 13, Article 2, Division 14 of the Municipal Code; and

WHEREAS, changes to the Land Development Code of the San Diego Municipal Code are required to implement those changes; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending Section 132.1402, Table 132-14A, and Diagram 132-14K, to read as follows:

**§132.1402 Where the Community Plan Implementation Overlay Zone Applies**

- (a) [No change in text.]

**Table 132-14A**

**Community Plans with Property in the Community Plan Implementation Overlay Zone**

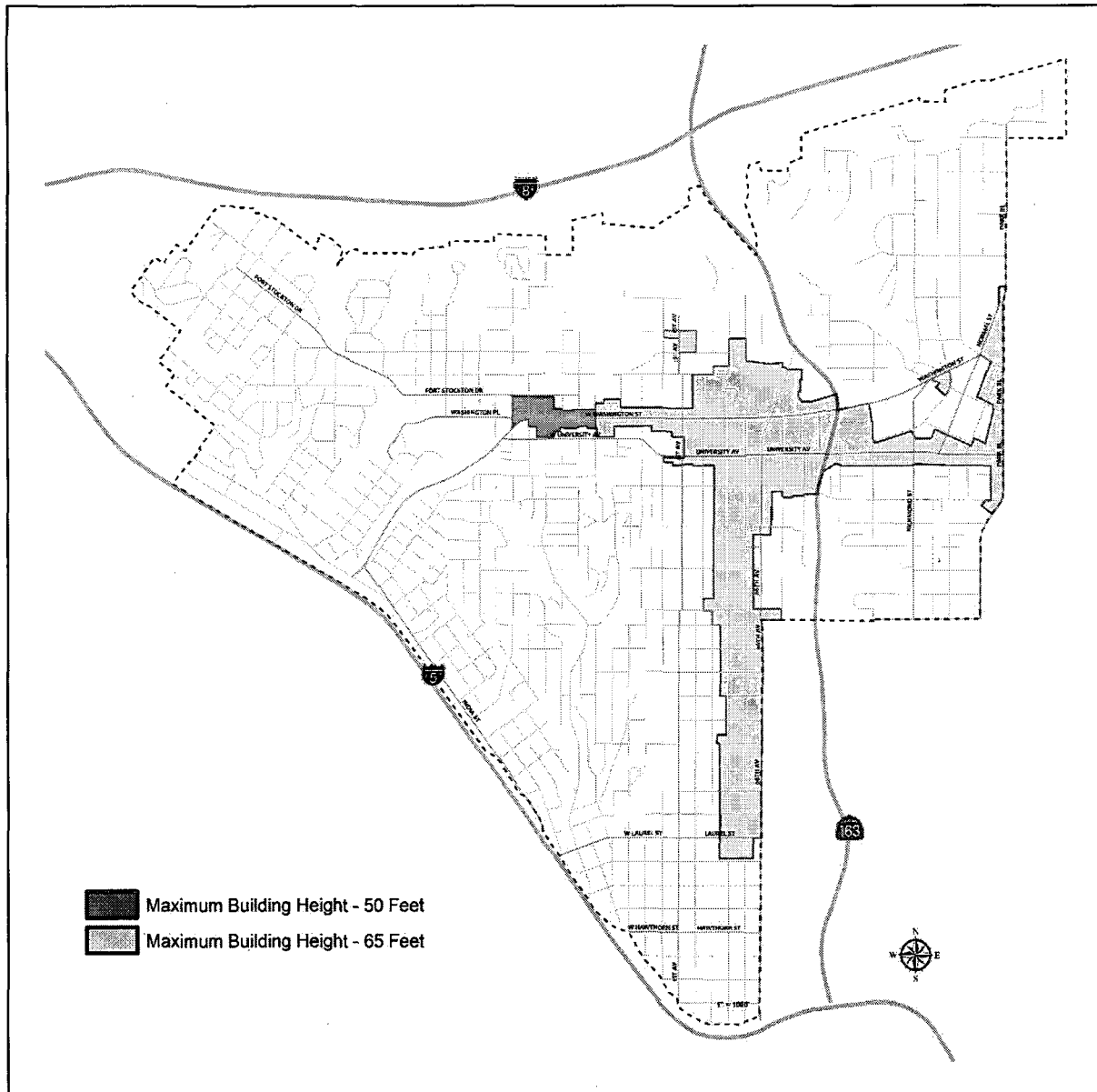
<b>Community Plan</b>	<b>Map Number Showing Boundaries of CPIOZ Area</b>
Clairemont Mesa (See Diagram 132-14A) through University (See Diagram 132-14J) [No change in text.]	[No change in text.]
Uptown (See Diagram 132-14K)	C-978

(b) [No change in text.]

**§132.1403 Exception to the Community Plan Implementation Overlay Zone**

[No change in text.]

**DIAGRAM 132-14A through DIAGRAM 132-14J** [No change in text.]



**DIAGRAM 132-14K**

**Uptown Community Plan Implementation Overlay Zone**

This is a reproduction of Map No. C-978 for illustration purposes only.

**DIAGRAM 132-14L through DIAGRAM 132-14P** [No change in text.]

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 as of the date of the finding of consistency by SDCRAA, provided that and not until at least thirty days have passed from the final date of passage, or the date that R- 310767 adopting the Uptown Community Plan and O- 20771 adopting the Uptown Rezone become effective, whichever date occurs 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.

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, or


the date that R- 310767 adopting the Uptown Community Plan and O- 20771 adopting the Uptown Rezone become effective, whichever date occurs later, 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 forty-five 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 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 its final passage, or the date that R- 310767 adopting the Uptown Community Plan and O- 20771 adopting the Uptown Rezone become effective, whichever date occurs later.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 3, above.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Corrine L. Neuffer  
Deputy City Attorney

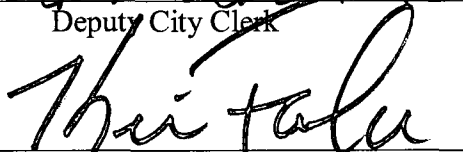
CLN:dkr  
November 9, 2016  
Or.Dept:Planning  
Doc. No.: 1389548

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/14/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(NOTE: The date of final passage is December 16, 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**

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

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

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1402, TABLE 132-14A AND 132.1403, DIAGRAM 132-14K ALL RELATING TO THE UPTOWN COMMUNITY PLAN UPDATE AND COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE.

**§132.1402 Where the Community Plan Implementation Overlay Zone Applies**

(a) [No change in text.]

**Table 132-14A**

**Community Plans with Property in the Community Plan Implementation Overlay Zone**

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Clairemont Mesa (See Diagram 132-14A) through University (See Diagram 132-14J) [No change in text.]	[No change in text.]
Uptown (See Diagram 132-14K)	C-780. <u>2978</u>

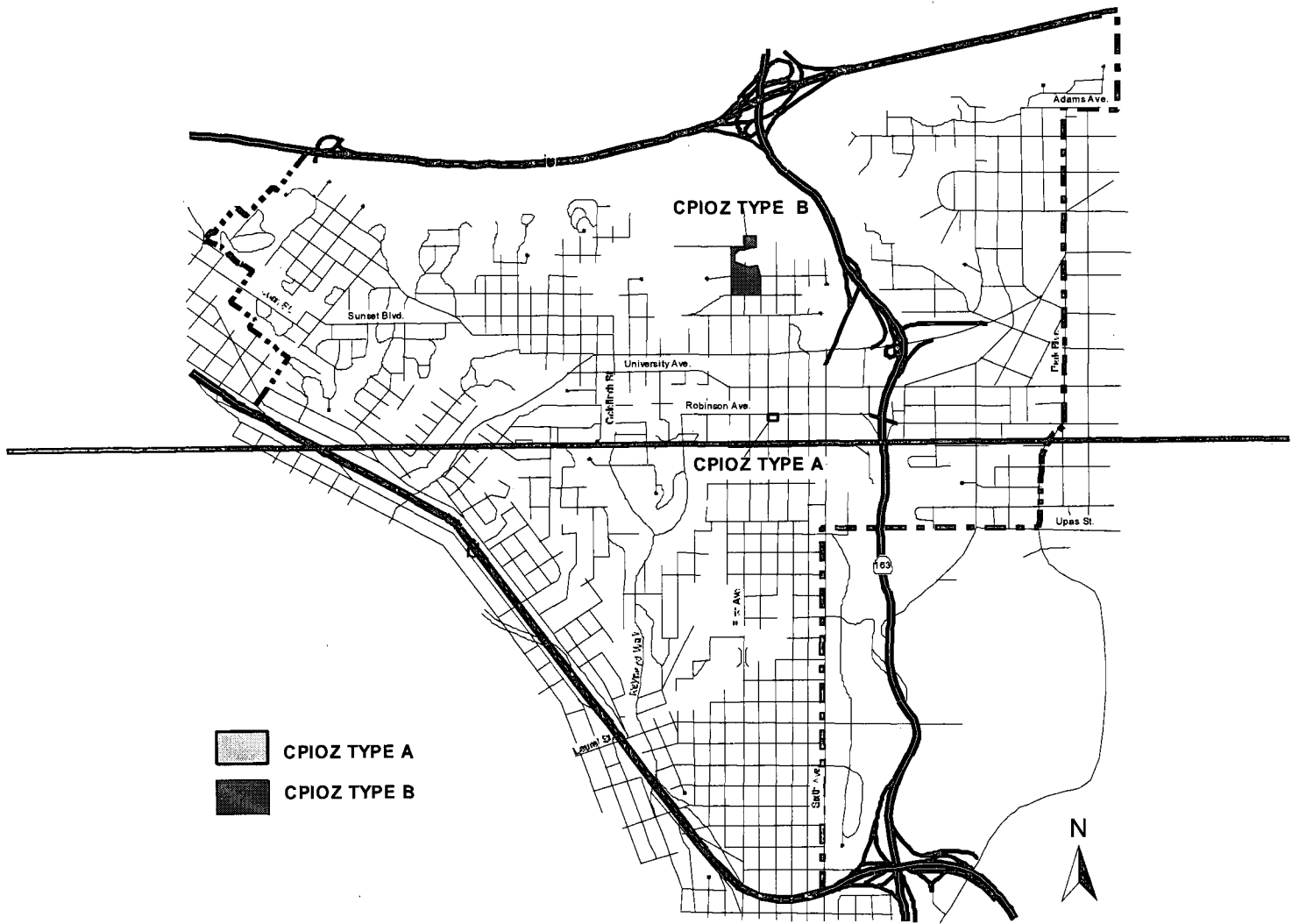
(b) [No change in text.]

**§132.1403 Exception to the Community Plan Implementation Overlay Zone**

[No change in text.]

**DIAGRAM 132-14A through DIAGRAM 132-14J** [No change in text.]

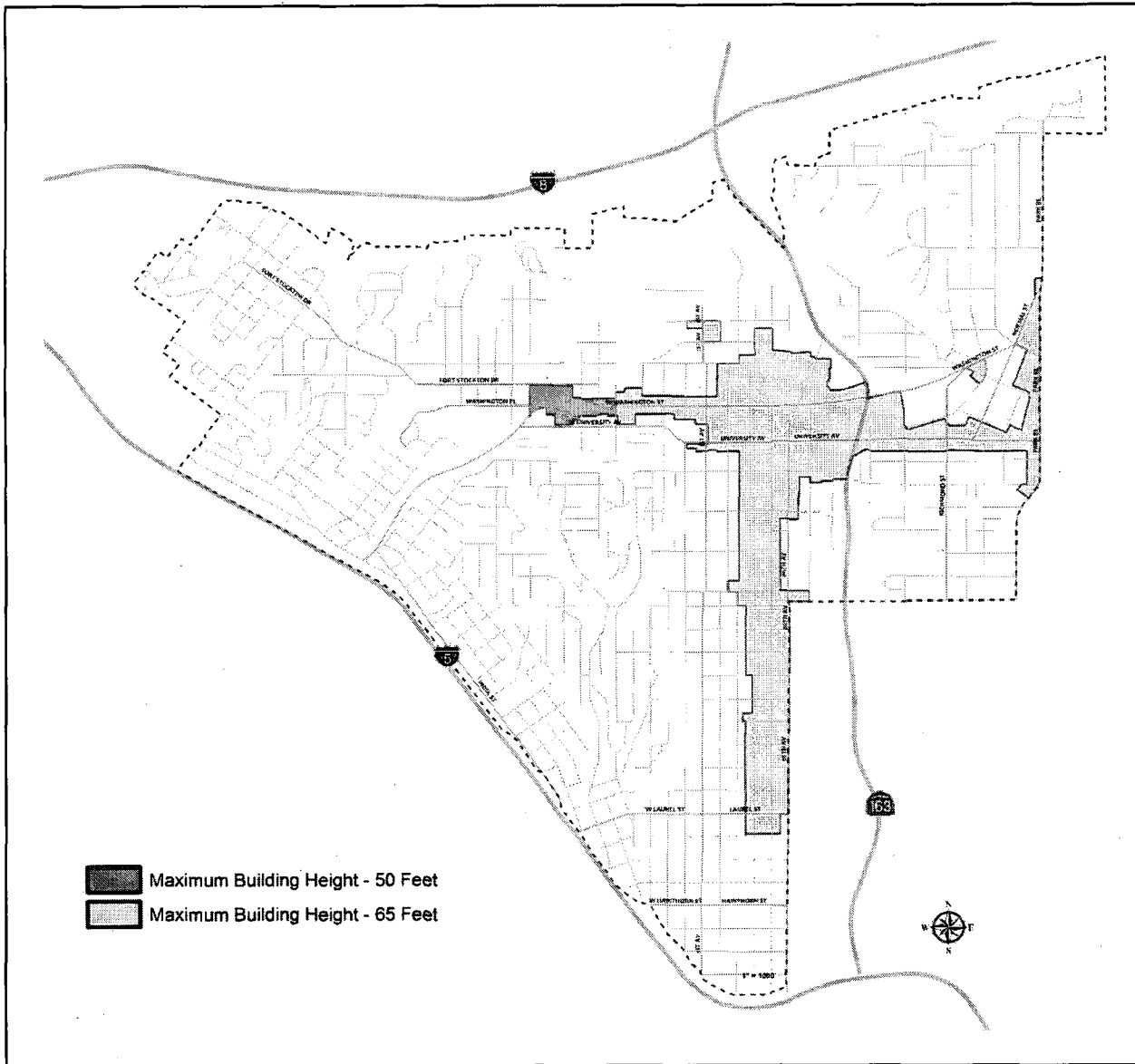




## DIAGRAM 132-14K

### Uptown Community Plan Implementation Overlay Zone

This is reproduction of Map No. C-780.2 (pp. 12, 13, & 18 of 32 for illustration purposes only.



**DIAGRAM 132-14K**

**Uptown Community Plan Implementation Overlay Zone**

This is a reproduction of Map No. C-978 for illustration purposes only.

**DIAGRAM 132-14L through DIAGRAM 132-14P [No change in text.]**

CLN:dkr  
November 9, 2016  
Or.Dept: Planning  
Doc. No.: 1389483

Passed by the Council of The City of San Diego on DEC 06 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 3 - (Vacant)	<input 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 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 Ginda 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

NOV 14 2016, and on DEC 16 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 Ginda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20770