

#630

12/6/16

(O-2017-60)  
COR. COPY

ORDINANCE NUMBER O- 20774 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF PROPERTY WITHIN THE SAN YSIDRO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, AND REPEALING ORDINANCE NO. O-19602, ADOPTED MARCH 27, 2007, OF ORDINANCES OF THE CITY OF SAN DIEGO IN SO FAR AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Resolution No. ~~R-310804~~ which was considered along with this Ordinance, adopts a comprehensive update to the San Ysidro Community Plan and Local Coastal Program Land Use Plan (SYCP); and

WHEREAS, Ordinance No. O-20772, which was considered along with this Ordinance, repeals the San Ysidro Planned District Ordinance, and the Southeastern San Diego Planned District Ordinance, which only applies within San Ysidro; and

WHEREAS, rezoning the land within the San Ysidro Community Plan area to use citywide zones as set forth in San Diego Municipal Code Chapter 13, Division 1 is proposed as well as other rezoning to be consistent with the land use designations set forth in the SYCP, as shown on Zone Map Drawing No. C-963, on file in the Office of the City Clerk as Document No. OO- 20774 (San Ysidro Rezone); and

WHEREAS, on October 6, 2016, the Planning Commission of the City of San Diego considered the San Ysidro Rezone, and voted 7-0 to recommend City Council approval of the San Ysidro Rezone; and

WHEREAS, the matter was set for public hearing on NOV 15 2016, testimony having been heard, evidence having been submitted and the City Council having full considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That the area legally described as the parcels shown in Exhibit A, within the San Ysidro Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-963, on file in the Office of the City Clerk as Document No. OO- 20774, are rezoned into the zones shown in Exhibit A, as the zones are described and defined by San Diego Municipal Code Chapter 13, Article 1. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-19602, adopted March 27, 2007, of the ordinances of the City of San Diego are repealed insofar as the same conflicts with the rezoned uses of the land.

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

Section 4. 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 Brown Field and Imperial Beach Naval Outlying Land 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 30 days have passed from the final date of passage, or the date that O- 20772 repealing the San Ysidro and Southeastern San Diego Planned District Ordinances and the date that R- 310804 adopting the SYCP becomes 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.

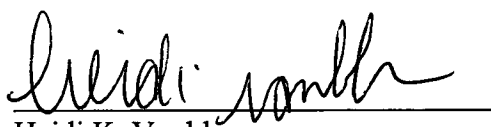
That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that O- 20772 repealing the San Ysidro and Southeastern San Diego Planned District Ordinances and the date that R- ~~310804~~ adopting the SYCP becomes 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 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 final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 5. That upon this Ordinance becoming effective, no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless application therefore was made prior to the date of adoption of this Ordinance.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heidi K. Vonblum  
Deputy City Attorney

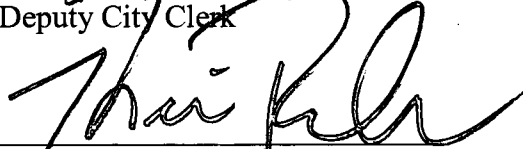
HKV:nja  
10/10/2016  
11/14/16 Cor. Copy  
Or.Dept: Planning  
Doc. No.: 1372259\_2

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.)

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 *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

NOV 15 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 *Linda Bruen*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20774