

ORDINANCE NUMBER O- 20957 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 29 2018

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, RELATING TO THE COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE FOR THE UNIVERSITY HEIGHTS NEIGHBORHOOD IN THE UPTOWN COMMUNITY PLAN AREA.

ITEM # 52c
6/20/18

WHEREAS, the Uptown Community is located in the City of San Diego bounded by Interstate 5 to the west, Mission Valley to the north, Balboa Park and the community of North Park to the east, and Downtown to the south, and the planning area encompasses 2,700 acres; and

WHEREAS, the Uptown Community Plan was initially adopted in 1975 and subsequently updated and adopted in 2016; and

WHEREAS, Resolution No. 311804, which was considered along with this Ordinance, amends the Uptown Community Plan; and

WHEREAS, the boundaries of the Uptown Community Plan Implementation Overlay Zone (CPIOZ) are amended to include the University Heights neighborhood and the proposed amendment is a de minimis amendment to the City's certified Local Coastal Program; and

WHEREAS, the amendment includes 61.36 acres in the CPIOZ that are primarily within the current RM-2-5 zone, bounded generally by Adams Avenue to the north, the alleys of Park Boulevard and Campus Avenue on the east, Meade Avenue and Tyler Avenue to the south, and a half block east of Maryland Street on the west; and

WHEREAS, the amendment identifies areas within the University Heights neighborhood of the Uptown community where ministerial approval would be granted for development not exceeding 30 feet in height; and

WHEREAS, proposed development projects that exceed the proposed 30 foot height limitations for the identified areas within University Heights neighborhood 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 these changes; NOW, THEREFORE,

BE IT ORDAINED; by the City 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 sections 132.1402, Table 132-14A and 132.1403, Diagram 132-14K, to read as follows:

§132.1402 Where the Community Plan Implementation Overlay Zone Applies

- (a) This overlay zone applies to properties that are identified in a community plan as areas requiring supplemental development regulations or processing of a *development permit* and that have been incorporated by ordinance into this overlay zone. Table 132-14A lists the community plan areas in which this overlay zone has been applied and the corresponding rezone maps that indicate which properties are within the boundaries of the overlay zone. These maps are filed in the office of the City Clerk. The

properties within this overlay zone are shown generally on Diagrams 132-14A through 132-14P.

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-989

(b) [No change in text.]

§132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be filed with the office of the City Clerk.

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

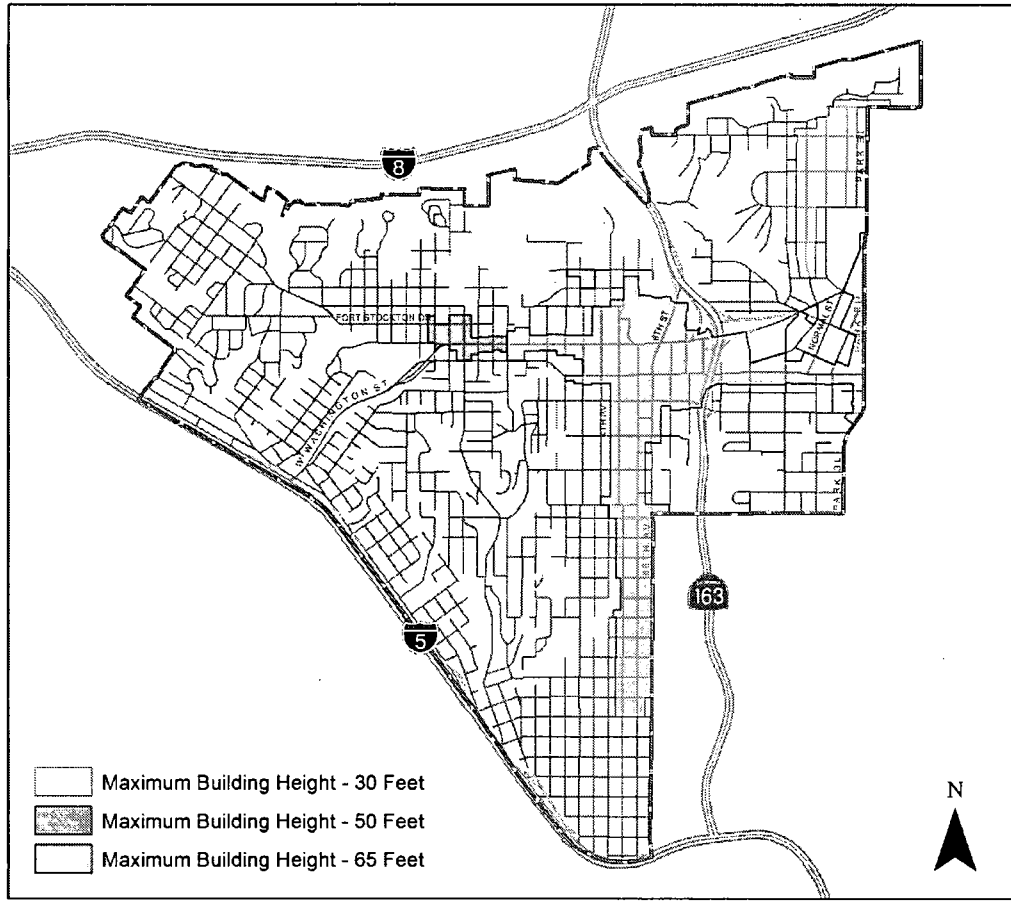


DIAGRAM 132-14K

Uptown Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C-989 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- 311804 adopting the Uptown Community Plan Amendments 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, this 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- 311804 adopting the Uptown Community Plan Amendments 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 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-311804 adopting the Uptown Community Plan Amendments is 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 the 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: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
05/21/2018
Or.Dept:Planning
Doc. No.: 1749379_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 26 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/28/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The date of final passage is June 29, 2018, 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 JUN 26 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 29 2018.

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 *Hy Brady*, 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 12 2018

, and on

JUN 29 2018

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 *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-

20957

STRIKEOUT ORDINANCE

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

ITEM# 52c

6/26/18

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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(b) [No change in text.]

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

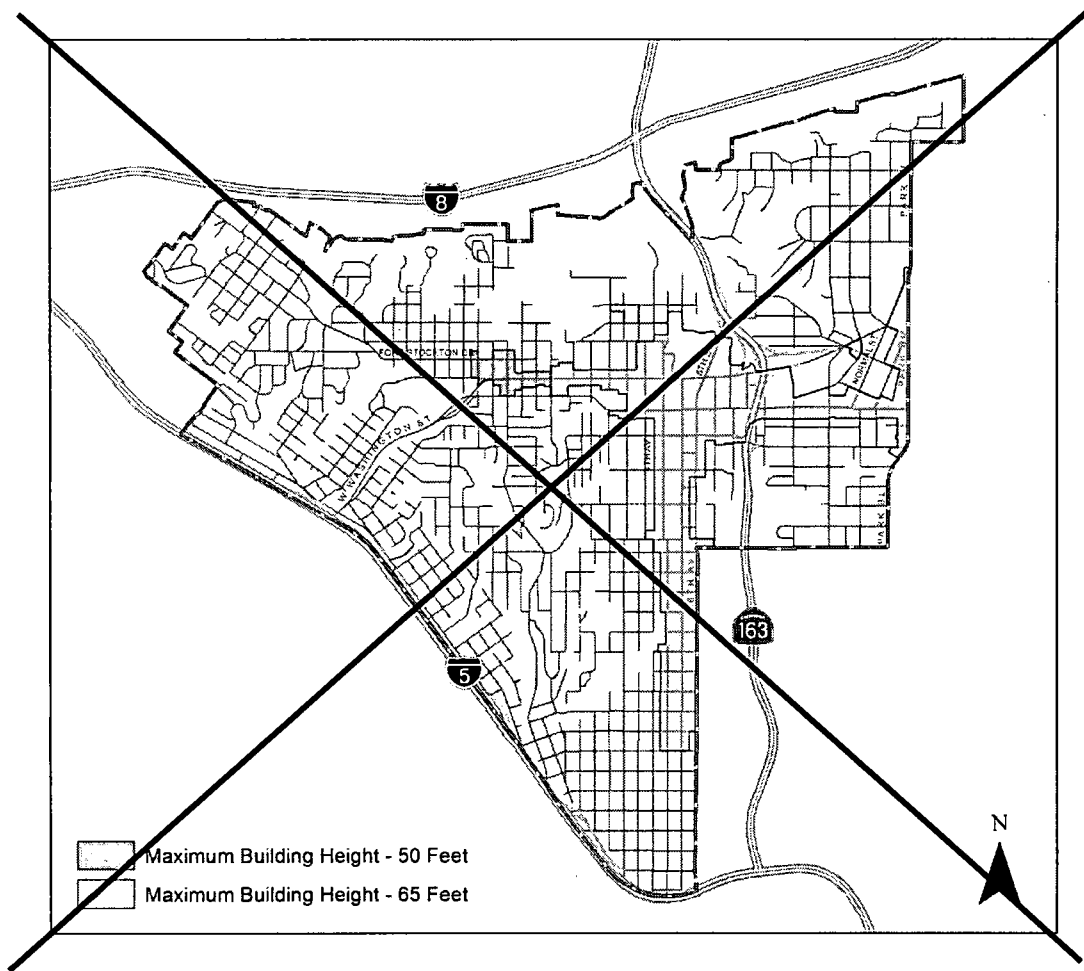


DIAGRAM 132-14K

Uptown Community Plan Implementation Overlay Zone

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

(Amended 12-16-2016 by O-20770 N.S.; effective 1-15-2017.)

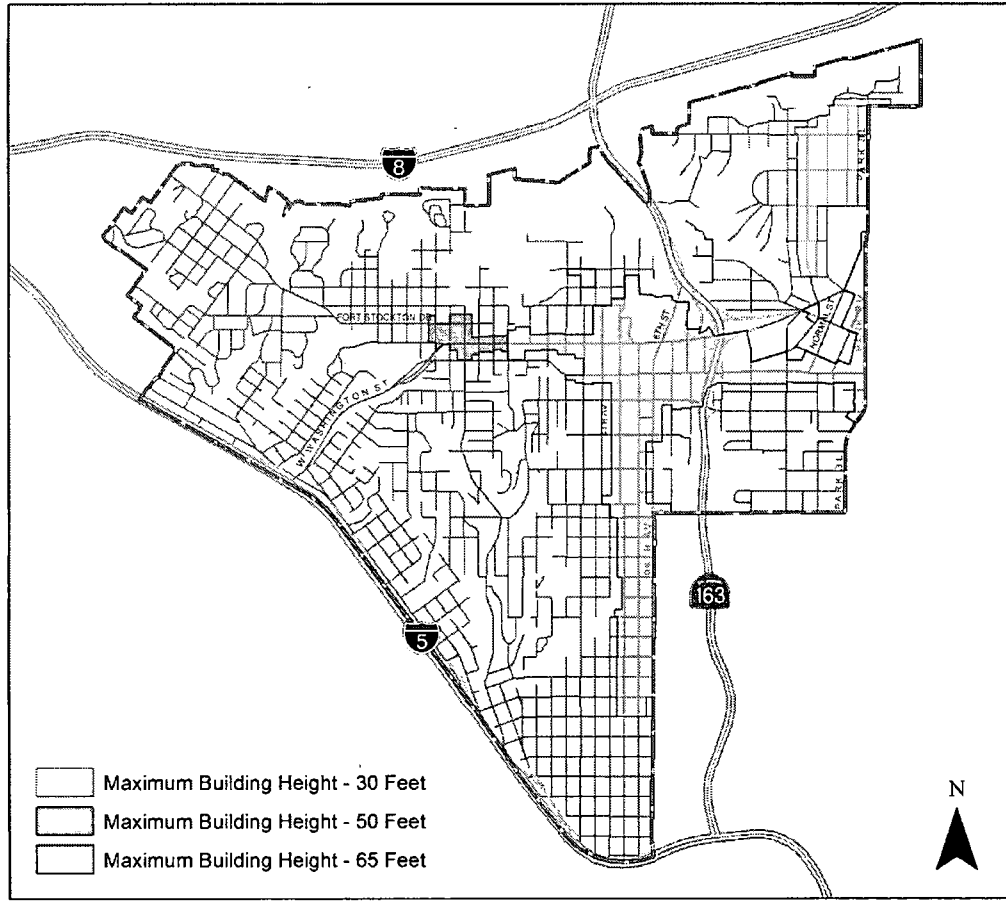


DIAGRAM 132-14K

Uptown Community Plan Implementation Overlay Zone

This is a reproduction of Map No. C-989 for illustration purposes only.

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

CLN:als
05/21/2018
Or.Dept:Planning
Doc. No.: 1749378