

ORDINANCE NUMBER O- 21040 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 29 2019

ITEM # 5760
1/29/19

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 132.0702 AND DIAGRAM 132-07A TO REMOVE THE SITE LOCATED AT 1579-1645 MORENA BOULEVARD FROM THE MOBILEHOME PARK OVERLAY ZONE WITHIN THE CLAIREMONT MESA COMMUNITY PLAN AREA.

WHEREAS, the 5.73-acre project site is located at 1579-1645 Morena Boulevard, within the Clairemont Mesa Community Plan area, and legally described as those portions of Parcel 1 and Parcel 2 of Pueblo Lot 256, of the Pueblo Lands of San Diego, in the City and County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the Office of the County Recorder November 14, 1921, and is known as Miscellaneous Map 36, in the City of San Diego, California; and

WHEREAS, the proposed project will demolish the existing 90-unit Coastal Trailer Villa recreational vehicle park and redevelop the site with a 150-unit multi-family residential condominium development; and

WHEREAS, the approvals for the proposed project include an amendment to the San Diego Municipal Code (SDMC) and Local Coastal Program to remove the site from the Mobilehome Park Overlay Zone, General Plan Amendment, Community Plan Amendment, Rezone, Vesting Tentative Map, Site Development Permit and Planned Development Permit; and

WHEREAS, on September 13, 1982, the City Council adopted Ordinance No. O-15810 to add the project site to the Mobilehome Park Overlay Zone; and

WHEREAS, the project site does not meet the definition of a mobilehome park as it has been utilized as a temporary-occupancy recreational vehicle park since inception and the size and class of vehicles occupying the project site and the short-term tenancy requirements of the recreational vehicle park do not meet the definition of a mobilehome park; and

WHEREAS, under San Diego Charter section 280(a)(2), this Ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 2, Division 7 of the San Diego Municipal Code is amended by amending section 132.0702 and Diagram 132-07A, to read as follows:

§132.0702 Where the Mobilehome Park Overlay Zone Applies

- (a) This overlay zone applies to all property located within the boundaries shown on Map Nos. C-669, C-672, C-673, and C-674.1 filed in the office of the City Clerk. These areas are shown generally on Diagram 132.07A.
- (b) [No change in text.]

Table 132-07A

Mobilehome Park Overlay Zone Applicability

[No change in text.]

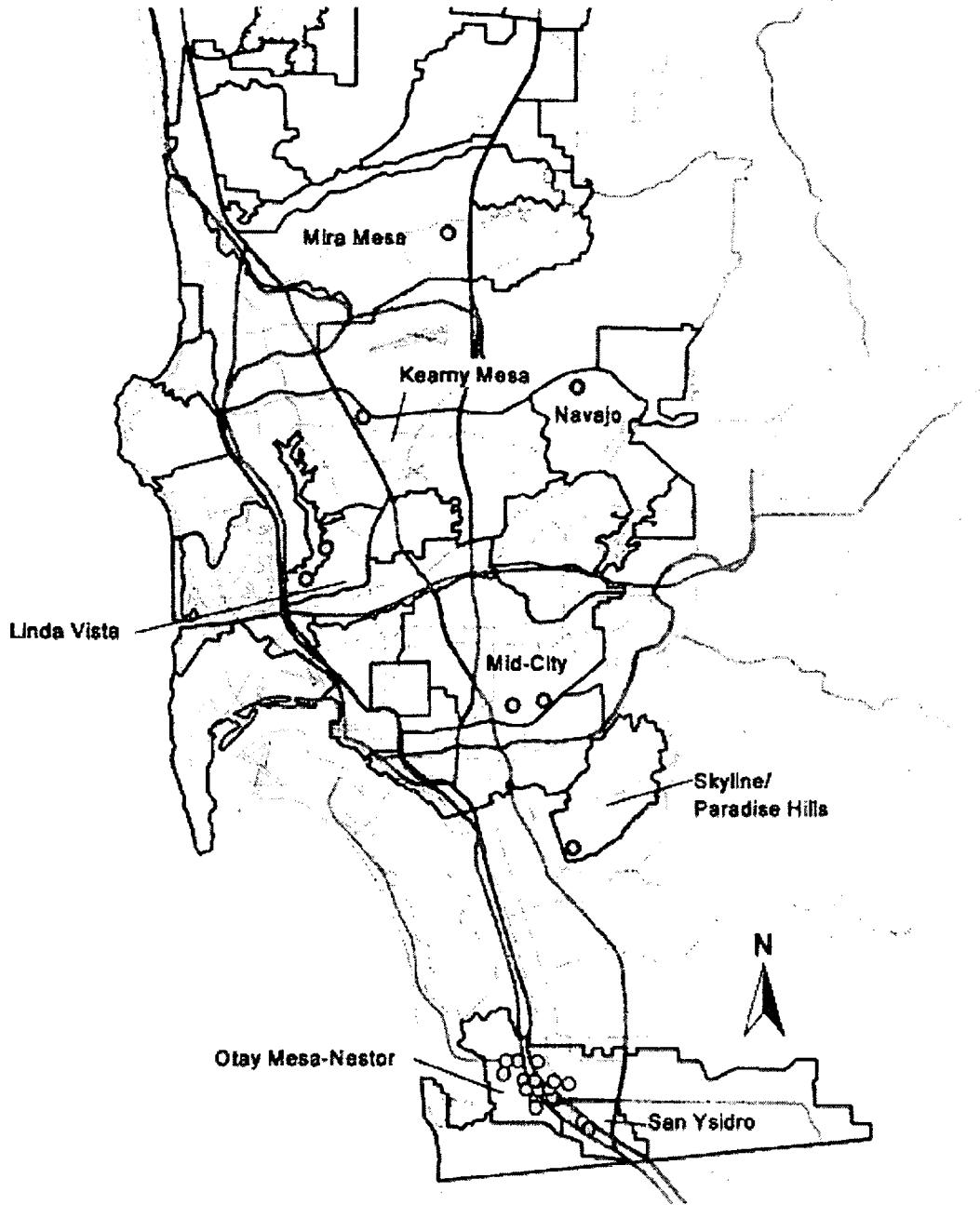


DIAGRAM 132-07A

Mobilehome Park Overlay Zone

**This is a reproduction of Map Nos. C-669, 672, 673, and 674.1
for illustration purposes only.**

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 (SDIA), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, the thirtieth day from and after its final passage, or the date that R- 312173 adopting the amendments to the Clairemont Mesa Community Plan 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 ALUCP for SDIA, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for SDIA, 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-312173 adopting the amendments to the Clairemont Mesa Community Plan 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, the California Department of Transportation, Division of Aeronautics, and the airport operators for the airport. 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.

That 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 that final decision or the date that R- **312173** adopting the amendments to the Clairemont Mesa Community Plan 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.

Section 4. That no permit shall be issued for development that is inconsistent with the provisions of this Ordinance unless a complete application for such a permit is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
11/13/2018
Or.Dept: DSD
Doc. No.: 1867888

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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§132.0702 Where the Mobilehome Park Overlay Zone Applies

- (a) This overlay zone applies to all property located within the boundaries shown on Map Nos. C-669, C-672, C-673, and C-674.1, ~~and B-3552~~, filed in the office of the City Clerk. These areas are shown generally on Diagram 132.07A.
- (b) [No change in text.]

Table 132-07A

Mobilehome Park Overlay Zone Applicability

[No change in text.]

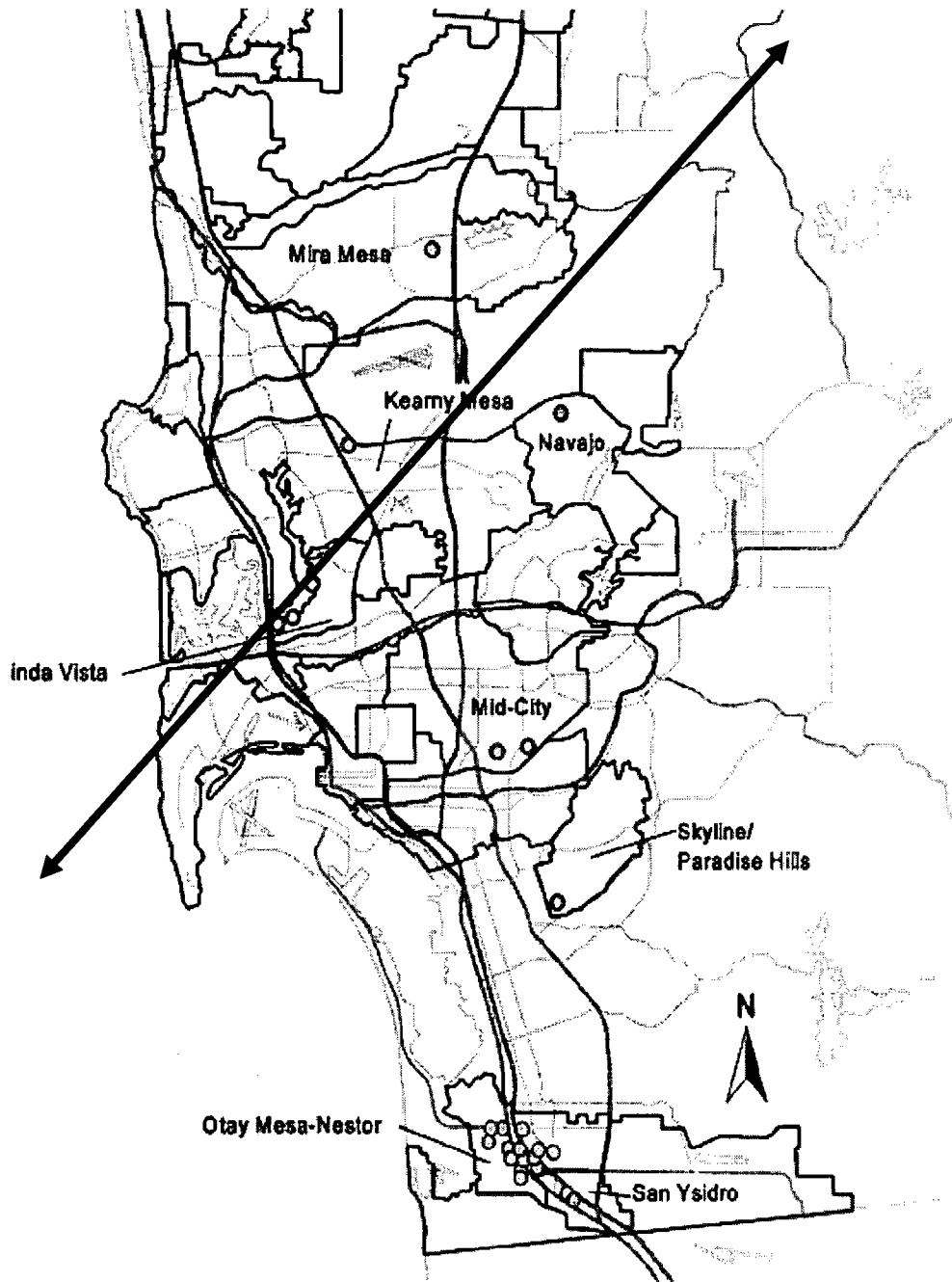


DIAGRAM 132-07A
Mobilehome Park Overlay Zone
This is a reproduction of Map Nos. C-669, 672, 673, 674.1, and B-3552
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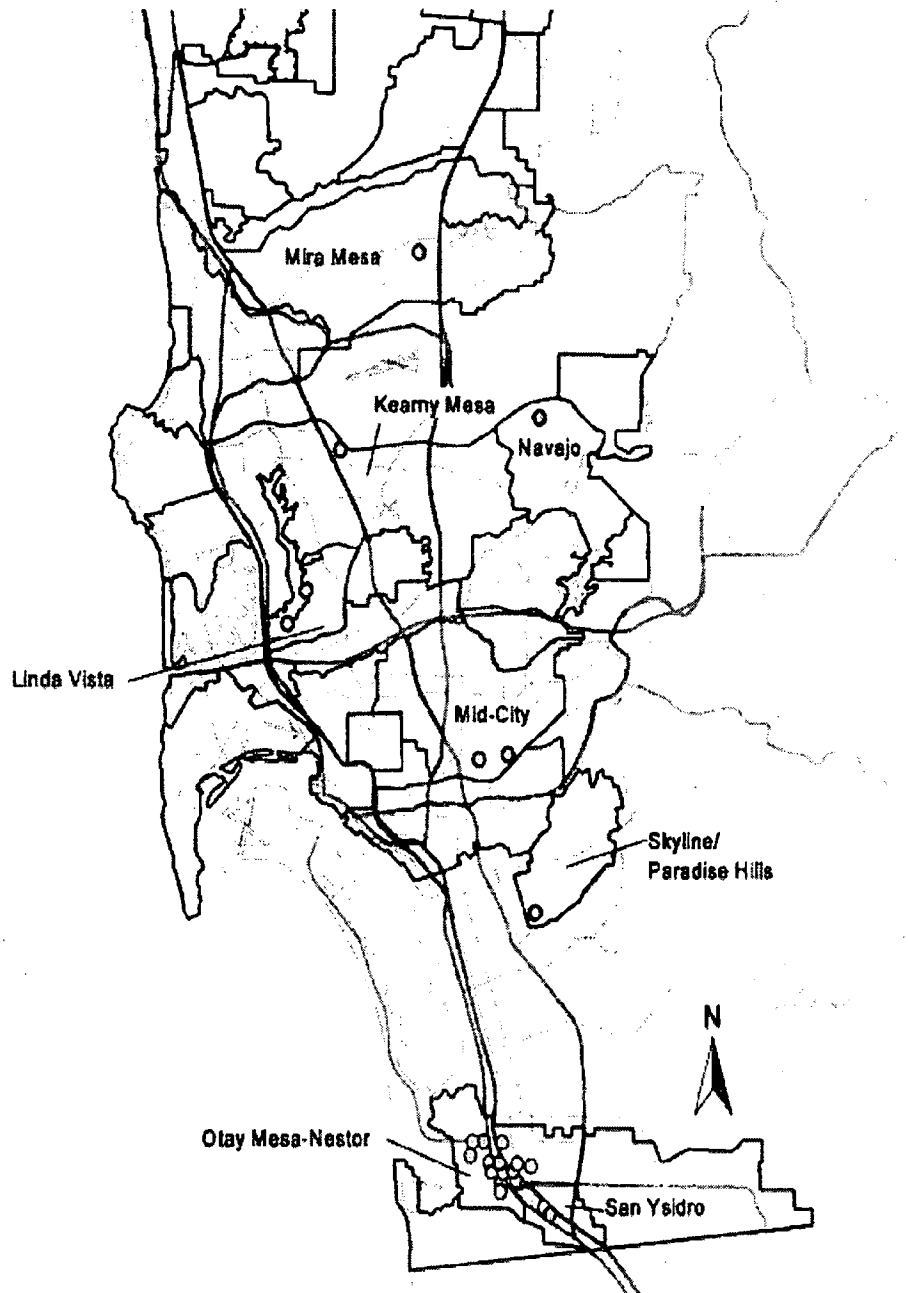


DIAGRAM 132-07A
Mobilehome Park Overlay Zone
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for illustration purposes only.

CLN:als
11/13/2018
Or.Dept:DSD
Doc. No.: 1867955

Passed by the Council of The City of San Diego on JAN 29 2019, 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"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" 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 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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 29 2019.

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 Connie Patterson, 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

JAN 08 2019

, and on JAN 29 2019.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21040