

ORDINANCE NUMBER O- 21097 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 09 2019

ITEM # 546

7/9/19

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1402 AND 132.1403, RELATING TO THE MONTEZUMA HOTEL PROJECT AND THE COLLEGE AREA COMMUNITY PLAN.

WHEREAS, S52 BLUE FALCON, LLC, a California Limited Liability Company, filed an application with the City of San Diego for the construction of a four-story, 67,990-square-foot hotel comprised of 125 rooms known as the Montezuma Hotel project (Project);

WHEREAS, the 1.86-acre vacant site is located at 6650 Montezuma Road within the College Area Community Plan area (Property); and

WHEREAS, Ordinance No. O-21096, which was considered along with this Ordinance, proposes to rezone the Property from RM-1-1 (Residential-Multiple Unit) to CV-1-1 (Commercial—Visitor)/Community Plan Implementation Overlay Zone (CPIOZ) Type A; and

WHEREAS, Resolution No. R-312534, which was considered along with this Ordinance, amends the General Plan to change the designated land uses for the Property on Figure LU-2 (*General Plan Land Use and Street System*) from Residential to Commercial Employment, Retail, and Services designation and amends the College Area Community Plan to change the current land use designation of the Property from Low/Medium Density Residential (10-15 du/ac) and General Commercial with Residential (75-110 du/ac) to Visitor Commercial and include CPIOZ Type A, which would limit the development of the Property to 125 hotel rooms and 125 parking spaces; and

WHEREAS, under 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on June 24, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully 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 Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending sections 132.1402 and 132.1403, 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 132-14Q.

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)	C-771.1, B-3951
College Area (See Diagram 132-14Q)	B-4339
Encanto Neighborhoods (See Diagram 132-14O)	C-962
Linda Vista (See Diagram 132-14C)	C-750
Mid-City Eastern Area-Chollas Triangle (See Diagram 132-14N)	B-4310
Midway-Pacific Highway (See Diagram 132-14D)	B-4331
Navajo (See Diagram 132-14E)	C-954
Otay Mesa (See Diagram 132-14B)	C-956, B-4300
Pacific Beach (See Diagram 132-14F)	B-37371, B-3857
Peninsula (See Diagram 132-14G)	C-744, C-781
Rancho Bernardo (See Diagram 132-14H)	C-773.1
Rancho Penasquitos (See Diagram 132-14I)	B-4025
Sherman Heights and Grant Hill Historic Districts (See Diagram 132-14M)	B-4312
Skyline Paradise Hills (See Diagram 132-14L)	B-4272
Southeastern San Diego (See Diagram 132-14P)	C-961
University (See Diagram 132-14J)	C-725, C-751.2
Uptown (See Diagram 132-14K)	C-989

(b) [No change in text.]

Table 132-14B

Community Plan Implementation Overlay Zone Applicability

[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 132-14P

[No change in text.]

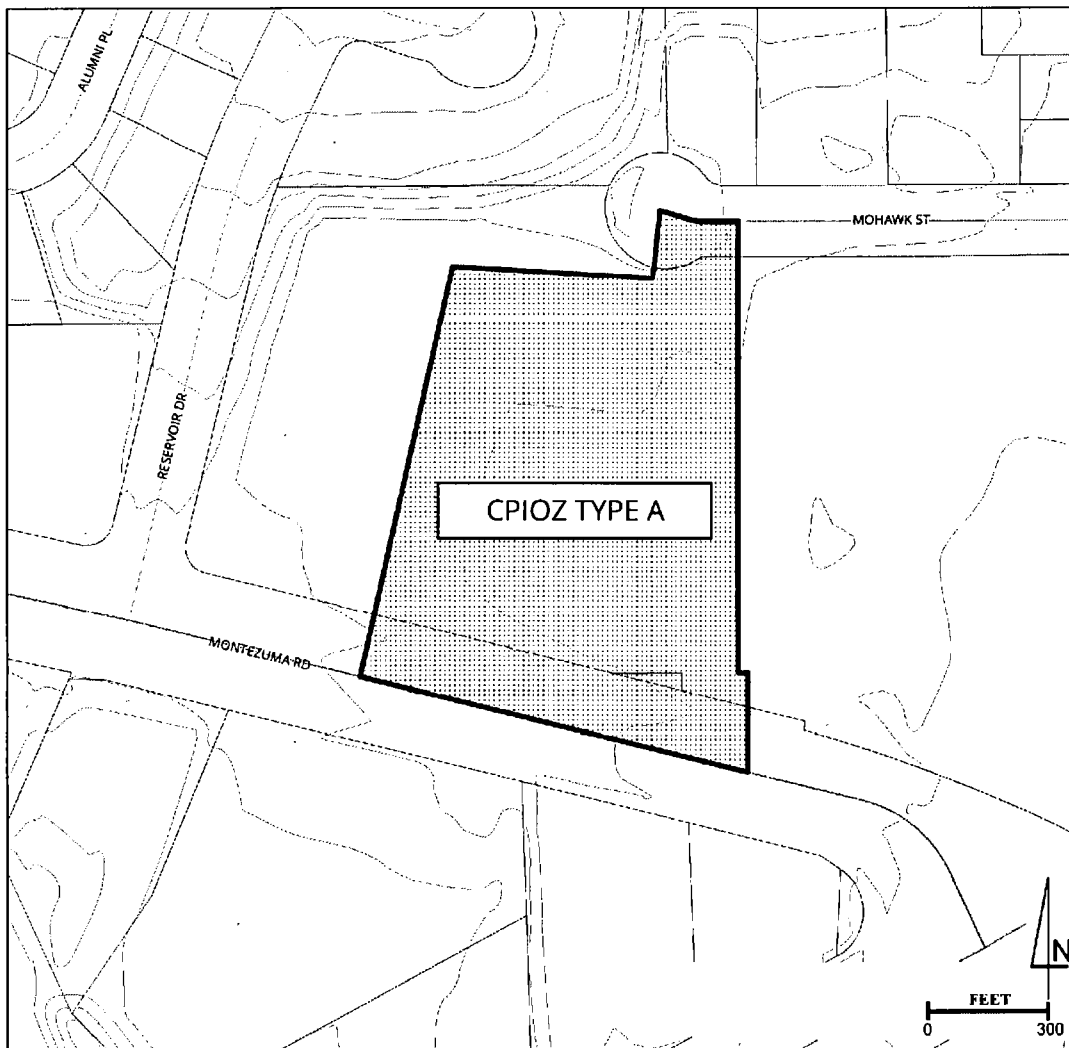


DIAGRAM 132-14Q

College Area Community Plan Implementation Overlay Zone

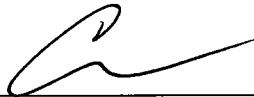
This is a reproduction of Map No. B-4339 for illustration purposes only.

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 this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 312534 adopting the amendments to the General Plan and College Area Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance applicable 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:als
06/06/2019
Or.Dept:DSD
Doc. No.: 2004710

STRIKEOUT ORDINANCE

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

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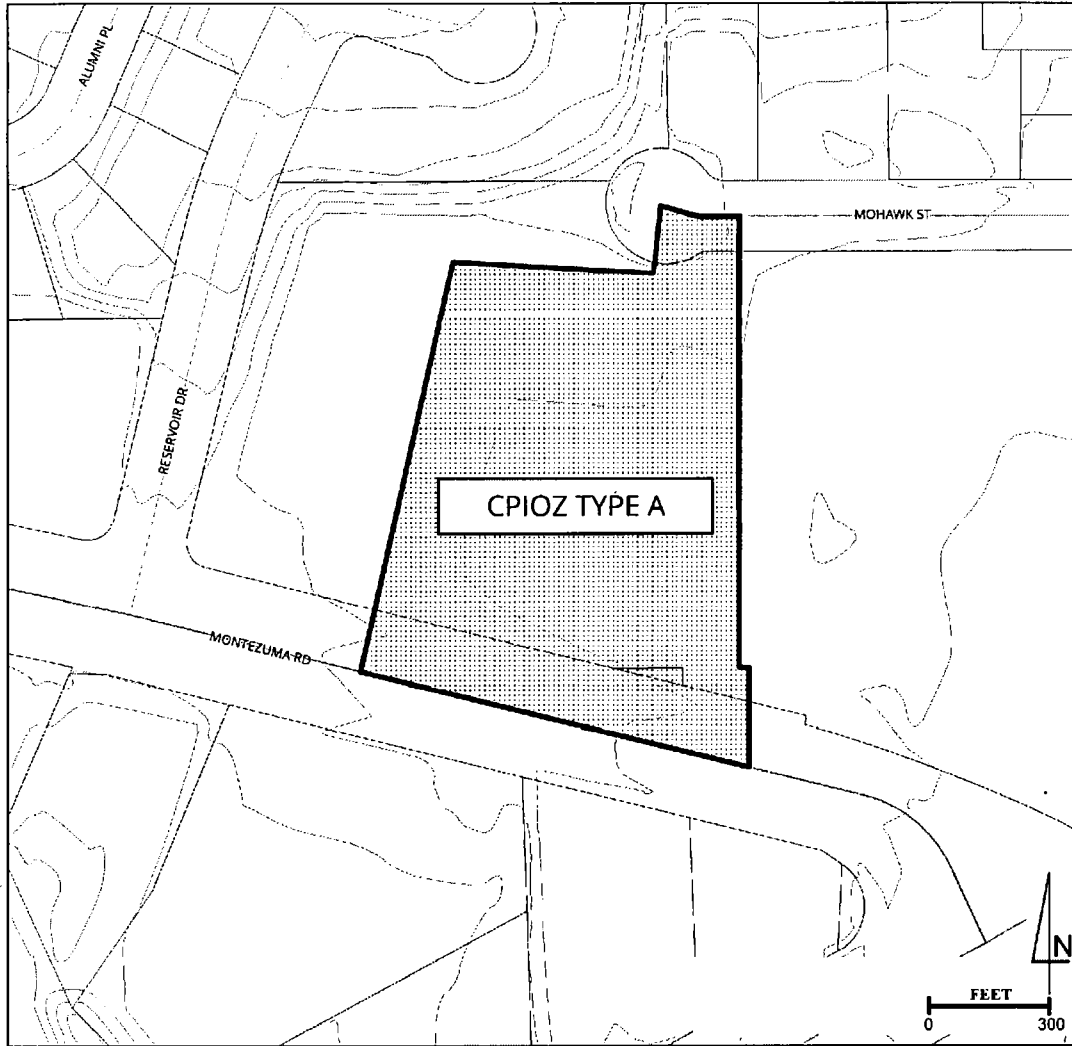


DIAGRAM 132-14Q

College Area Community Plan Implementation Overlay Zone

This is a reproduction of Map No. B-4339 for illustration purposes only.

CLN:als
06/06/2019
Or.Dept: DSD
Doc. No.: 2004673

Passed by the Council of The City of San Diego on JUL 09 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 09 2019.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

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

JUN 24 2019

, and on

JUL 09 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- 21097