

ORDINANCE NUMBER O- 21121 (NEW SERIES)

Item 53a
9/10/19

DATE OF FINAL PASSAGE SEP 12 2019

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 132.1402 AND DELETING DIAGRAM 132-14C, RELATING TO THE DELETION OF THE LINDA VISTA COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE.

WHEREAS, Ordinance No. O- 21122, which was considered along with this Ordinance, proposes to adopt a Specific Plan (Plan) for the Morena Corridor to identify new land uses and mobility infrastructure improvements to capitalize on the Mid-Coast Blue Line Trolley extension. The Plan includes or consists of approximately 280 acres along Morena Boulevard and West Morena Boulevard between Gesner Street and Friars Road, located within the Clairemont Mesa Community Plan Area and the Linda Vista Community Plan Area; and

WHEREAS, Resolution No. R- 312608, which was considered along with this Ordinance, amends the Linda Vista Community Plan and General Plan to change the land use designations within the Plan area and to remove the Linda Vista Community Plan Implementation Overlay Zone (CPIOZ); and

WHEREAS, the Plan area includes the Morena/Linda Vista, Tecolote, and Clairemont Drive Trolley Stations located along Morena and West Morena Boulevards; and

WHEREAS, the Plan will help implement the goals and objectives of the City's Climate Action Plan by maintaining industrial land for employment use and increasing housing opportunities within a 1/2-mile radius of the Tecolote and Morena/Linda Vista trolley stations; promoting walking and bicycle use as viable travel choices through an established grid street network; and improving access to the trolley stations and existing bus routes; and

WHEREAS, the Plan includes supplemental development regulations for the land within the Linda Vista portion of the Plan and therefore the CPIOZ is no longer necessary; and

WHEREAS, on February 21, 2019, the Planning Commission of the City of San Diego voted 6-0-0 to recommend approval of this Ordinance; and

WHEREAS, the matter was set for public hearing on August 1, 2019, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter; 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 and deleting Diagram 132-14C, 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
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.]

DIAGRAM 132-14A through DIAGRAM 132-14B

[No change in text.]

DIAGRAM 132-14D through DIAGRAM 132-14Q

[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 Plan (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, on the thirtieth day from and after its final passage, or the date that R- 312608 adopting the amendment to the Linda Vista Community Plan and O- 21122 adopting the Plan become effective, whichever is 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 the 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 the 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- 312608 adopting the amendment to the Linda Vista Community Plan and O- 21122 adopting the Plan become effective, whichever is 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 SDIA. 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- 312608 adopting the amendment to the Linda Vista Community Plan and O- 21122 adopting the Plan become effective, whichever is 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 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: MARA W. ELLIOTT, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
07/18/2019
10/07/2019 Cor. Copy
Or.Dept: Planning Dept.
Doc. No.: 1946888_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: October 7, 2019
TO: Elizabeth Maland, City Clerk
FROM: Corrine L. Neuffer
SUBJECT: O-2020-23 Cor. Copy – Deletion of Linda Vista Community Plan
Implementation Overlay Zone

We are submitting a corrected copy of Ordinance No. O-2020-23 reflecting changes made on San Diego Municipal Code section 132.1402 referencing to Diagrams 132-14A through 132-14Q and by including “College Area (See Diagram 132-14Q) to Table 132-14A, to be consistent with Montezuma Hotel Project Ordinance No. O-21097, adopted by City Council on July 9, 2019.


The Digest Ordinance remains unchanged.

CLN:als
Doc. No.: 2191131

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 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: MARA W. ELLIOTT, City Attorney

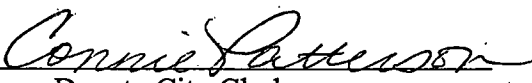
By 

Corrine L. Neuffer
Deputy City Attorney

CLN:als
07/18/2019
Or.Dept: Planning Dept.
Doc. No.: 1946888

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 9/12/19

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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Navajo (See Diagram 132-14E)	C-954
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(b) [No change in text.]

DIAGRAM 132-14A through DIAGRAM 132-14B

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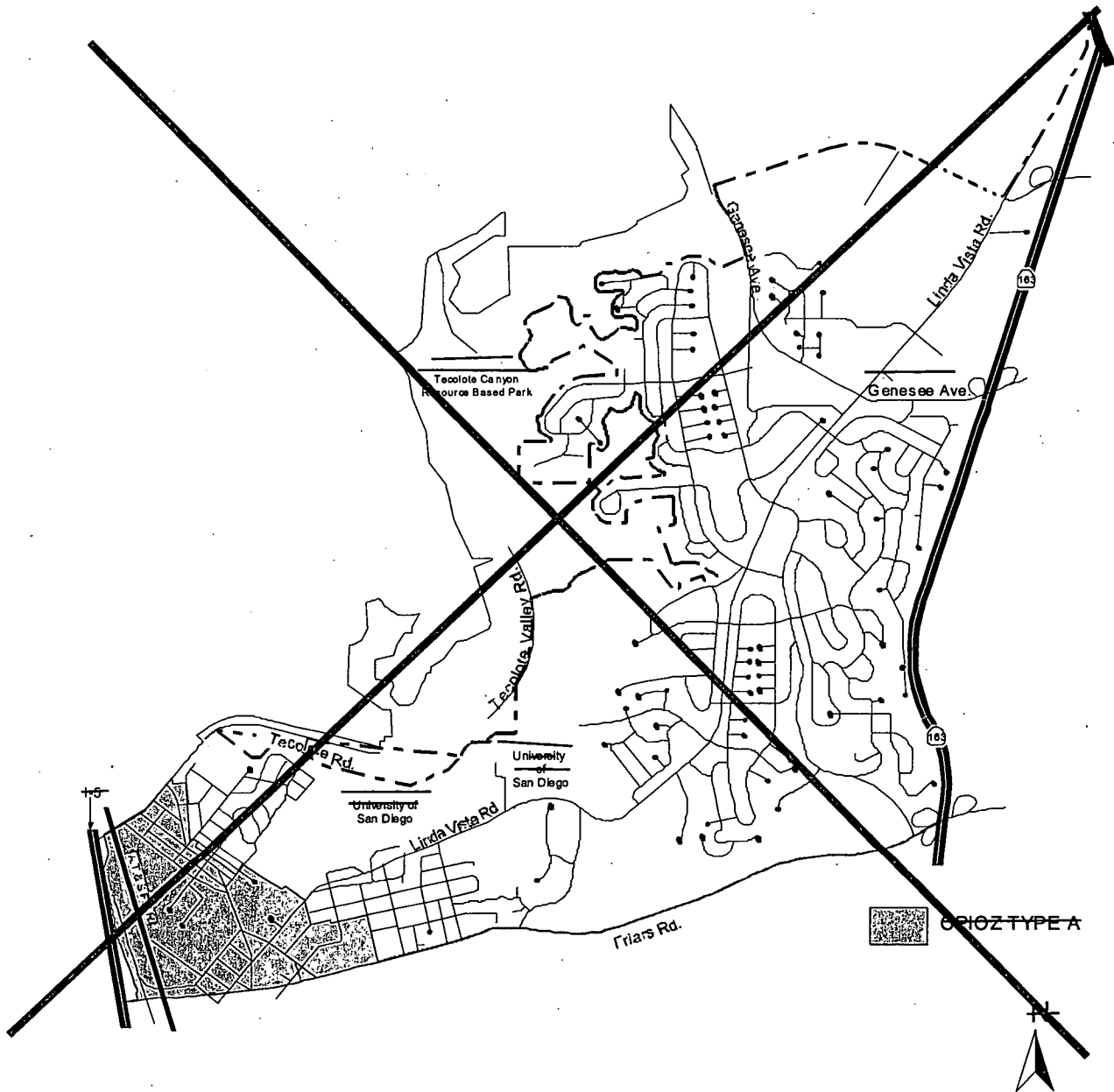


DIAGRAM 132-14C

Linda Vista Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. C-750 for illustration purposes only.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

DIAGRAM 132-14D through DIAGRAM 132-14Q

[No change in text.]

CLN:als
07/18/2019
10/07/2019 Cor. Copy
Or.Dept: Planning Dept.
Doc. No.: 1946886_2

Passed by the Council of The City of San Diego on SEP 10 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 SEP 12 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

AUG 01 2019

and on SEP 12 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- 21121