

ORDINANCE NUMBER O- 21183 (NEW SERIES)

DATE OF FINAL PASSAGE APR 09 2020

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1402 AND 132.1403 TO CHANGE THE COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE FOR THE SITE LOCATED AT 5255 MOUNT ETNA DRIVE WITHIN THE CLAIREMONT MESA COMMUNITY PLAN AREA.

WHEREAS, on March 13, 2019, the County of San Diego submitted a Community Plan and General Plan Amendment, San Diego Municipal Code and Local Coastal Program Amendment, and Rezone Project (Project) application to the Development Services Department for a 4.09-acre project site located at 5255 Mount Etna Drive, within the Clairemont Mesa Community Plan area, and legally described as Parcel 1 of Parcel Map No. 9284, in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of the County Recorder of San Diego County on October 23, 1979, as File No. 79-443936 of official records; and

WHEREAS, the Project would allow for future residential development on surplus County-owned land; and

WHEREAS, implementation of the Project requires amendments to the San Diego Municipal Code to change the Community Plan Implementation Overlay Zone (CPIOZ) applicable to the Project site from CPIOZ Type B to CPIOZ Type A to allow for future residential development on surplus County-owned land; and

WHEREAS, CPIOZ Type A sets the framework for infill development within the Project site through supplemental development regulations intended to provide primarily for multi-

family residential uses that complement the surrounding community core and existing single-family residential uses; 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 132-14R.

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-4344
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
Mission Valley (See Diagram 132-14R)	C-998
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.]

§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.

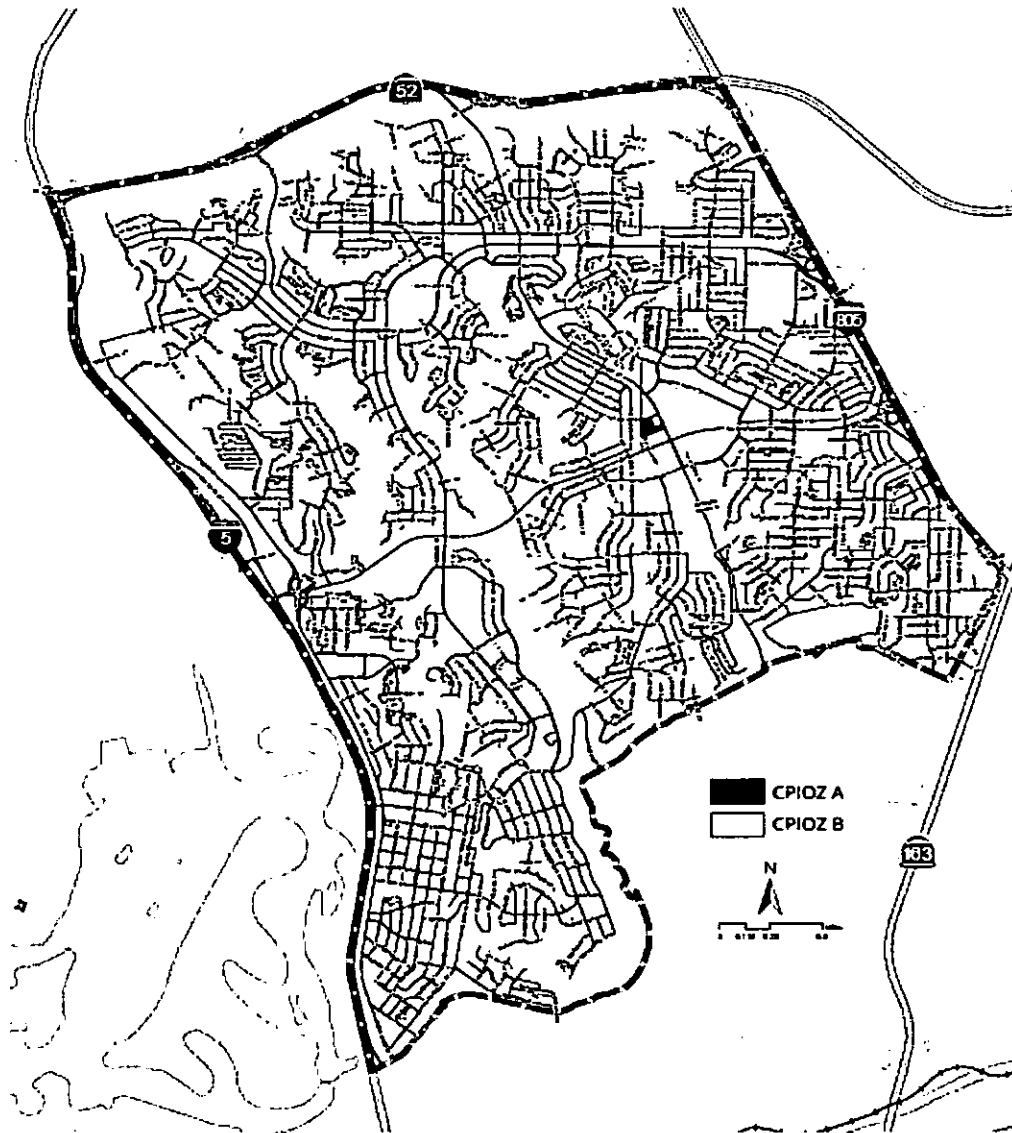


DIAGRAM 132-14A

Clairemont Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. C-771.1 & B-4344 for illustration purposes only.

DIAGRAM 132-14B through DIAGRAM 132-14R

[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 Marine Corps Air Station (MCAS) Miramar and Montgomery Field, 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- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs latest, except that the provisions of this Ordinance that 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 MCAS Miramar and Montgomery Field, 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 MCAS Miramar and Montgomery Field, 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- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs latest, except that the provisions of this Ordinance that 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 airports. 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- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs latest, except that the provisions of this Ordinance that 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 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 /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
02/03/2020
Or.Dept:DSD
Doc. No.: 2296452

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 4/7/2020.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk



KEVIN L. FAULCONER, Mayor

Approved: 4/9/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

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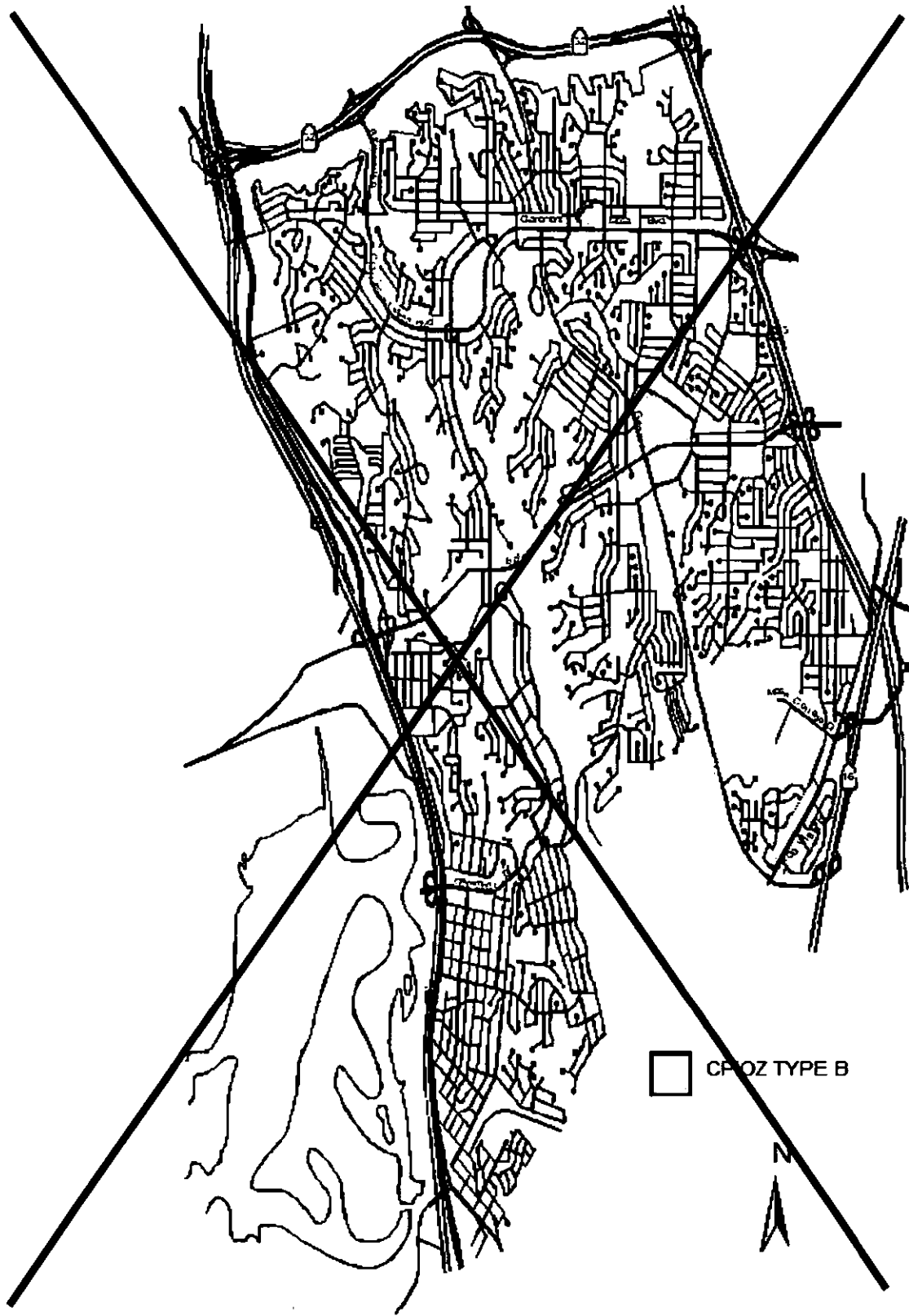


DIAGRAM 132-14A
Clairemont Mesa Community Plan Implementation Overlay Zone
This is a reproduction of Map Nos. C-771.1 & B-3951 for illustration purposes only.

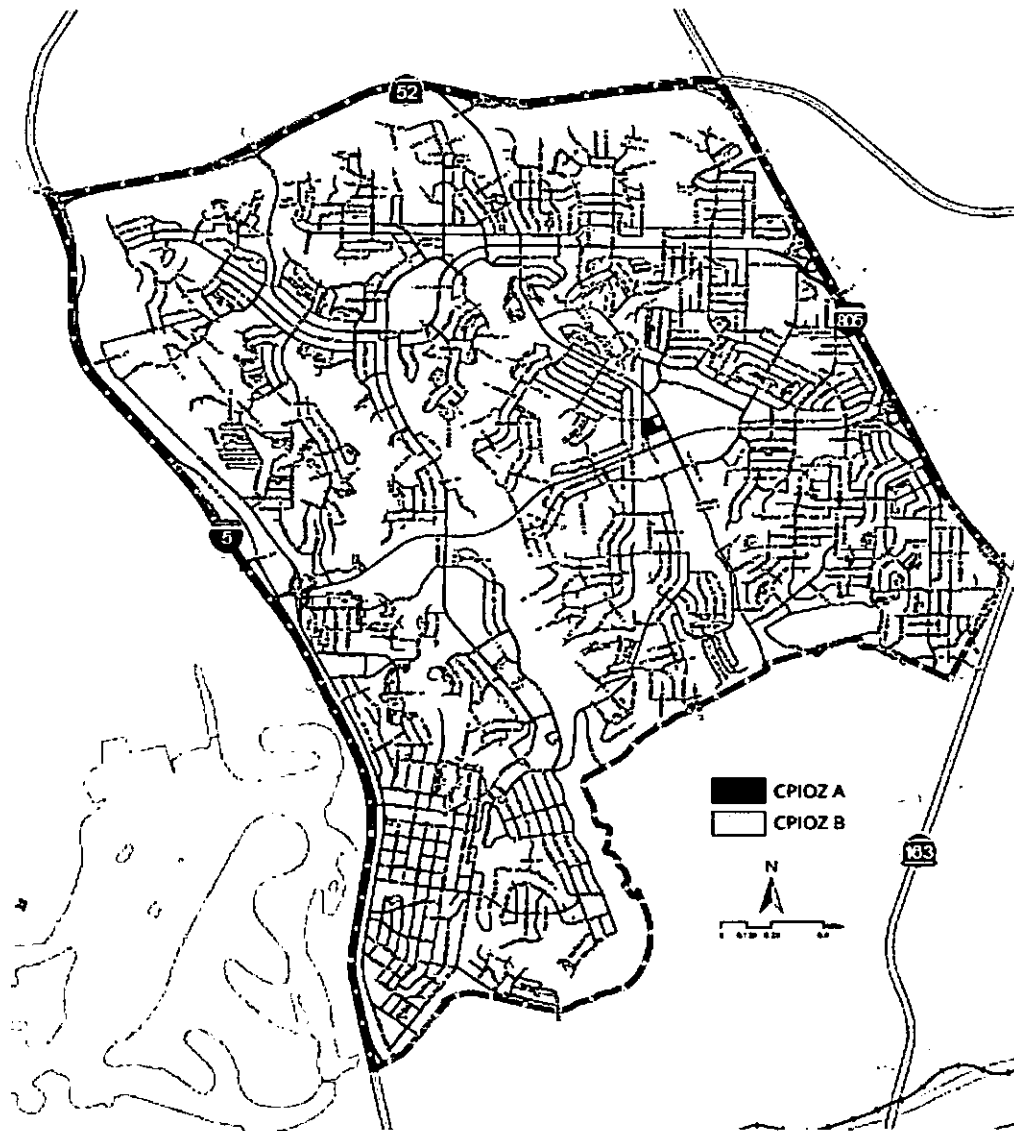


DIAGRAM 132-14A

Clairemont Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map Nos. C-771.1 & B-4344 for illustration purposes only.

DIAGRAM 132-14B and DIAGRAM 132-14D through DIAGRAM 132-14R

[No change in text.]

LJS:als
02/03/2020
Or.Dept:DSD
Doc. No.: 2296436

Passed by the Council of The City of San Diego on APR 07 2020, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 APR 09 2020

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
for Stacy Ready

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

MAR 10 2020, and on APR 09 2020.

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
for Stacy Ready

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21183</u>