

ORDINANCE NUMBER O- 21593 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 13 2023

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 131.0704 AND 131.0707, TABLE 131-07A; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 BY AMENDING SECTION 132.1402 AND TABLE 132-14A AND BY ADDING DIAGRAM 132-14U, ALL RELATING TO THE MIRA MESA COMMUNITY PLAN UPDATE.

WHEREAS, the City of San Diego desires to update the Mira Mesa Community Plan (MMCP), which was adopted in 1992; and

WHEREAS, the City has prepared the Mira Mesa Community Plan Update (Update); and

WHEREAS, implementation of the proposed Update requires amendments to the San Diego Municipal Code relating to the Mixed-Use Base Zones at Chapter 13, Article 1, Division 7; and

WHEREAS, the proposed Mixed-Use Base Zones are intended to accommodate small to large-scale horizontal or vertical mixed-use development, while maintaining connections to transit and promoting the livability and vitality of the development; and

WHEREAS, the proposed amendments to the EMX (Employment Mixed-Use) Zones support the retention of base sector industries and expansion of the innovation economy; and

WHEREAS, the proposed amendments modify secondary use requirements and clarify allowed uses for EMX base zones within designated Prime Industrial Land and the proposed newly designated Prime Industrial category, Prime Industrial Land – Flex; and

WHEREAS, implementation of the proposed Update also requires amendments to the San Diego Municipal Code relating to the Community Plan Implementation Overlay Zone (CPIOZ) at Chapter 13, Article 2, Division 14 of the Code to establish CPIOZ in the MMCP area; and

WHEREAS, the proposed Community Plan Implementation Overlay Zone implements supplemental development regulations found in the Update; and

WHEREAS, the supplemental development regulations are intended to encourage pedestrian-friendly and transit-oriented development with unique districts and urban villages in the MMCP area; and

WHEREAS, the proposed CPIOZ Type A identifies urban villages within the MMCP area where ministerial approval would be granted for projects consistent with the MMCP that comply with the base zone regulations and supplemental development regulations; and

WHEREAS, the supplemental development regulations are specific to the unique conditions in the proposed urban villages and include standards for parks, trails and trail amenities, private street connections, a pedestrian bridge at Mira Mesa Gateway, widening of Barnes Canyon Road, and permitted uses in Mira Mesa Town Center, Miramar Gateway, and Mira Mesa Gateway; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 7 of the San Diego Municipal Code is amended by amending sections 131.0704 and 131.0707, Table 131-07A to read as follows:

§131.0704 Purpose of the EMX (Employment Mixed-Use) Zones

The purpose of the EMX zones is to provide a mix of uses with a focus on non-residential uses with opportunities for residential *development*. The EMX zones allow for a broad mix of uses, including office, research and development, industrial, and retail. Non-residential *development* shall be the *primary use*. The *secondary use* can be non-residential or residential. If the *secondary use* is non-residential, it must be a different non-residential use than the *primary use*.

Development that contains a research and development use within Prime Industrial Land and Prime Industrial Land - Flex identified in the *land use plan* does not require a *secondary use*.

The EMX zones are differentiated in Table 131-07B based on *floor area ratio* and *structure height*.

§131.0707 Use Regulations Table for Mixed-Use Zones

The uses allowed in the mixed-use zones are shown in Table 131-07A.

Legend for Table 131-07A

[No change in text.]

**Table 131-07A
Use Regulations Table for Mixed-Use Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st >>	RMX			EMX		
	2nd >>	1	2	3	1	2	3
Open Space through Separately Regulated Residential Uses, Boarder & Lodger Accommodations [No change in text.]		[No change in text.]					
Continuing Care Retirement Communities		L	L	L	L ^(1,9)	L ^(1,9)	L ^(1,9)
Employee Housing:							
6 or Fewer Employees		N	N	N	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
12 or Fewer Employees		-	-	-	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
Greater than 12 Employees		-	-	-	C ⁽¹⁾	C ⁽¹⁾	C ⁽¹⁾
Fraternities, Sororities and Student Dormitories		C	C	C	C ⁽¹⁾	C ⁽¹⁾	C ⁽¹⁾
Garage, Yard, & Estate Sales through <i>Movable Tiny Houses</i> [No change in text.]		[No change in text.]					
<i>Permanent Supportive Housing</i>		L	L	L	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
Residential Care Facilities:							
6 or Fewer Persons		P	P	P	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
7 or More Persons		C	C	C	C ⁽¹⁾	C ⁽¹⁾	C ⁽¹⁾
Transitional Housing:							
6 or Fewer Persons		P	P	P	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾
7 or More Persons		L	L	L	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
Watchkeeper Quarters through Separately Regulated Commercial Services Uses, Assembly and Entertainment Uses, Including Places of Religious Assembly [No change in text.]		[No change in text.]					
Bed & Breakfast Establishments:							
1-2 Guest Rooms		P	P	P	p ^(1,9)	p ^(1,9)	p ^(1,9)
3-5 Guest Rooms		P	P	P	p ^(1,9)	p ^(1,9)	p ^(1,9)
6+ Guest Rooms		P	P	P	p ^(1,9)	p ^(1,9)	p ^(1,9)
Boarding Kennels/Pet Day Care through Distribution and Storage, Equipment & Materials Storage Yards [No change in text.]		[No change in text.]					
Moving & Storage Facilities		P	P	P	p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾
Distribution Facilities		-	-	-	p ⁽⁹⁾	p ⁽⁹⁾	p ⁽⁹⁾
Separately Regulated Distribution and Storage Uses through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-07A

¹ through ⁸ [No change in text.]

⁹ Not allowed on sites designated as Prime Industrial Land – Flex in a *land use plan*.

Section 2. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending section 132.1402 and Table 132-14A and by adding Diagram 132-14U 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 132-14U.

**Table 132-14A
Community Plans with Property in the Community Plan Implementation Overlay Zone**

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Barrio Logan (See Diagram 132-14T) through Midway-Pacific Highway (See Diagram 132-14D) [No change in text.]	[No change in text.]
Mira Mesa (See Diagram 132-14U)	C-1025
Mission Valley (See Diagram 132-14R) through Uptown (See Diagram 132-14K) [No change in text.]	[No change in text.]

(b) [No change in text.]

DIAGRAM 132-14A through DIAGRAM 132-14T

[No change in text.]

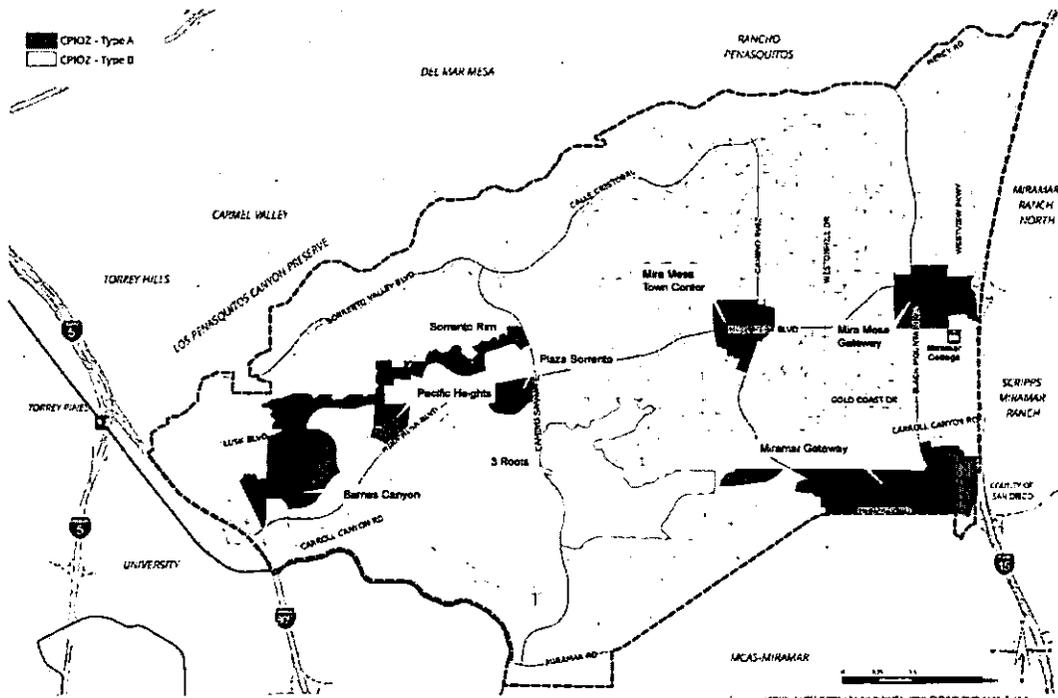


DIAGRAM 132-14U

Mira Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map. No. C-1025 for illustration purposes only.

Section 3. 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 4. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) acting as the Airport Land Use Commission (ALUC) for a consistency determination.

Section 5. That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plan (ALUCP) for the Marine Corps Air Station Miramar (MCAS Miramar), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, provided that and not until at least thirty days have passed from the date of final passage, or the date that San Diego Resolution R- 314479, adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that all provisions of this Ordinance that concern property that is inside the Coastal Overlay Zone, and 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 the provisions as a local coastal program amendment.

Section 6. That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for MCAS Miramar, the Ordinance shall be submitted to the City Council for reconsideration.

Section 7. That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for MCAS Miramar, 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 San Diego Resolution R- 314479, adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that all provisions of this Ordinance as amended that concern property that is inside the Coastal Overlay Zone, and 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 the provisions as a local coastal program amendment.

Section 8. 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 MCAS Miramar. 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 a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 9. 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 San Diego Resolution R- 314479, adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that the provisions of this Ordinance that concern property that is inside the Coastal Overlay Zone, and 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 10. That permits shall not be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for the permits were 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 the sections above.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
October 18, 2022
Or.Dept: Planning
Doc. No.: 3140088

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of JAN 10 2023

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/13/23
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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6 or Fewer Employees		N	N	N	L ⁽¹⁾	L ⁽¹⁾	L ⁽¹⁾
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Boarding Kennels/Pet Day Care through Distribution and Storage, Equipment & Materials Storage Yards		[No change in text.]					
Moving & Storage Facilities		P	P	P	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾
Distribution Facilities		-	-	-	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾

Use Categories/Subcategories	Zone Designator	Zones					
	[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st >>	RMX			EMX	
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Separately Regulated Distribution and Storage Uses through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i>		[No change in text.]					

Footnotes for Table 131-07A

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- (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 132-14FU.

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<u>Mira Mesa (See Diagram 132-14U)</u>	<u>C-1025</u>

Community Plan	Map Number Showing Boundaries of CPIOZ Area
Mission Valley (See Diagram 132-14R) through Uptown (See Diagram 132-14K) [No change in text.]	[No change in text.]

(b) [No change in text.]

DIAGRAM 132-14A through DIAGRAM 132-14T

[No change in text.]

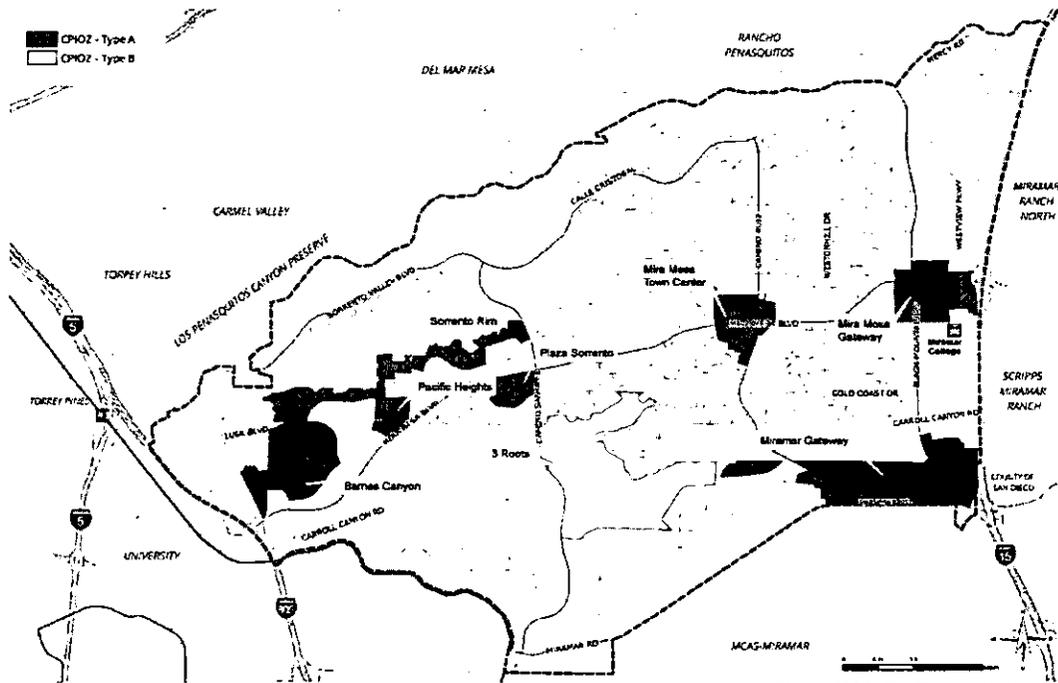


DIAGRAM 132-14U

Mira Mesa Community Plan Implementation Overlay Zone

This is a reproduction of Map. No. C-1025 for illustration purposes only.

JLM:hm
November 18, 2022
Or.Dept: Planning
Doc. No.: 3140085

Passed by the Council of The City of San Diego on JAN 10 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

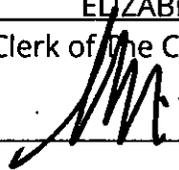
Date of final passage JAN 13 2023

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , 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

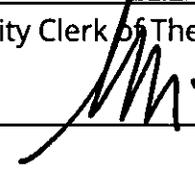
DEC 05 2022

, and on JAN 13 2023

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21593