

ORDINANCE NUMBER O- 21719 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 18 2023

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0702, AND AMENDING CHAPTER 13, ARTICLE 2, DIVISION 4 BY AMENDING SECTION 132.0402 RELATING TO THE COASTAL OVERLAY ZONE JURISDICTION AREA AND AMENDING COASTAL DEVELOPMENT PERMIT JURISDICTION MAP NO. C-730.1.

WHEREAS, RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, applied to amend the Coastal Overlay Zone designation of approximately 14.62 acres of land located at 408 Hollister Street, as legally described below, within the Otay Mesa-Nestor Community Plan area, from the Coastal Deferred Certification Overlay Zone to the Coastal Appealable or Non-Appealable Overlay Zone (to be determined by the California Coastal Commission); and

WHEREAS, the Coastal Deferred Certification Overlay Zone means development on the property remains within the permit jurisdiction of the California Coastal Commission; and

WHEREAS, amending the Coastal Overlay Zone designation for the site from the Coastal Deferred Certification Overlay Zone to the Coastal Appealable or Non-Appealable Overlay Zone grants permit jurisdiction to the City, subject to decisions potentially being appealed to the Coastal Commission, dependent on the zone.

WHEREAS, San Diego Resolution R- 315071 (General Plan, Otay Mesa-Nestor Community Plan, and Local Coastal Program Amendments), which was considered along with this Ordinance, proposes an amendment to the General Plan to redesignate the 14.62-acre site located at 408 Hollister Street within the Otay Mesa-Nestor Community Plan, from Parks, Open

Space and Recreation to Residential and an amendment to the Otay Mesa-Nestor Community Plan to redesignate the designated land use from Open Space to Residential – Medium Density; and

WHEREAS, San Diego Ordinance O- 21718 (Rezone), which was considered along with Ordinance, proposed to rezone the 14.62-acre site from the OF-1-1 (OPEN SPACE – FLOODPLAIN) and AR-1-2 (AGRICULTURAL - RESIDENTIAL) zones to the RM-2-5 (RESIDENTIAL - MULTIPLE-UNIT) zone described and defined by San Diego Municipal Code Chapter 13, Article 1, Divisions 2, 3, and 4; and

WHEREAS, on March 30, 2023, the Planning Commission of the City of San Diego considered the rezone of the site, amendments to the General Plan and Otay Mesa-Nestor Community Plan, as well as amendments to the Coastal Overlay Zone, and pursuant to Resolution No. 5240-PC voted to recommend the San Diego City Council (City Council) approve the actions; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That 14.62 acres located at 408 Hollister Street, and legally described as the South Half of the Northeast Quarter of the Southeast Quarter, excepting the South 40.00 feet all being in Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of

San Diego, County of San Diego, State of California, according to the official plat thereof.

Excepting therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to Map Thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23, 1924, distant along said northerly line north  $81^{\circ}29'22''$  west 21.20 feet from the northeasterly corner of Lot 62 of said Coughlin Subdivision; thence north  $13^{\circ}22'42''$  west 9.09 feet; thence north  $14^{\circ}53'19''$  west 276.24 feet; thence north  $06^{\circ}42'47''$  west 411.70 feet; thence north  $07^{\circ}51'19''$  west 487.97 feet; thence north  $07^{\circ}19'00''$  west 26.73 feet to a point on the north line of distant along said last north line  $89^{\circ}24'21''$  west 1059.90 feet from the northeast corner of said south half. Also excepting therefrom all oil, gas and other materials in and under said land, expressly excluding therefrom, any and all rights of ingress and egress to enter upon or use all or any part of the surface of the land at a depth of less than 500 feet to exercise the mineral rights so that grantor shall have the free, complete and uninterrupted use of the surface of the land and such area at a depth of less than 500 feet. Said oil, gas and other minerals having been conveyed to PCA Mineral Rights, LLC, a Delaware Limited Liability Company by deed recorded March 28, 2016, as Instrument No. 2016-0138942 of Official Records, in the Otay Mesa-Nestor Community Plan area, in the City of San Diego, California, as shown on Coastal Overlay Zone Certification Map Drawing No. C-1028, filed in the office of the City Clerk as Document No. OO-21719, are redesignated from the Coastal Deferred Certification Overlay Zone to Coastal Appealable or Non-Appealable Overlay Zone (to be determined by the California Coastal Commission), described and defined by San Diego Municipal Code Chapter 13, Article 2, Division 4. This action amends the Official Coastal Development Permit Jurisdiction Map No. C-730.1, filed in

the office of the City Clerk as Document No. OO-17067-1, adopted on October 17, 1988 to the extent it conflicts herewith and with Coastal Overlay Zone Certification Map No. C-1028.

Section 2. That San Diego Ordinance O-17067 (Apr. 18, 1988), and San Diego Ordinance O-21164 (Jan. 8, 2020), of the ordinances of the City of San Diego are repealed insofar as the same conflicts with the redesignation of the land.

Section 3. That Chapter 12, Article 6, Division 7 of the San Diego Municipal Code is amended by amending section 126.0702, to read as follows:

**§126.0702 When a Coastal Development Permit Is Required**

- (a) [No change in text.]
- (b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 and Map No. C-1028, on file in the Planning and Development Review Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1 and Document No.

00- 21719

- (c) [No change in text.]

Section 4. That Chapter 13, Article 2, Division 4 of the San Diego Municipal Code is amended by amending section 132.0402, to read as follows:

**§132.0402     Where the Coastal Overlay Zone Applies**

- (a)     This overlay zone applies to all property located within the boundaries designated on Map No. C-908 and Map No. C-1028, filed in the office of the City Clerk as Document No. OO-18872 and Document No.

00-21719. These areas are shown generally on Diagram 132-04A.

- (b)     [No change in text.]

Section 5. That this Ordinance contains a notice that a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

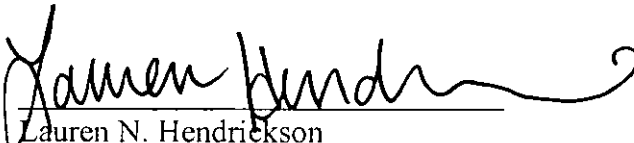
Section 6. That the City Clerk is instructed to insert the document numbers, once known, in Sections 126.0702(b) and 132.0402(a).

Section 7. That this Ordinance shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment, or until the thirtieth day from and after its final passage, whichever occurs later. If this Ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this Ordinance shall be null and void.

Section 8. That no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless deemed 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 above.

A complete copy of this Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lauren N. Hendrickson  
Deputy City Attorney

LNH:cm  
June 6, 2023  
Or.Dept: DSD  
Doc. No. 3347709\_3

Attachment: Coastal Overlay Certification Map No. C-1028

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

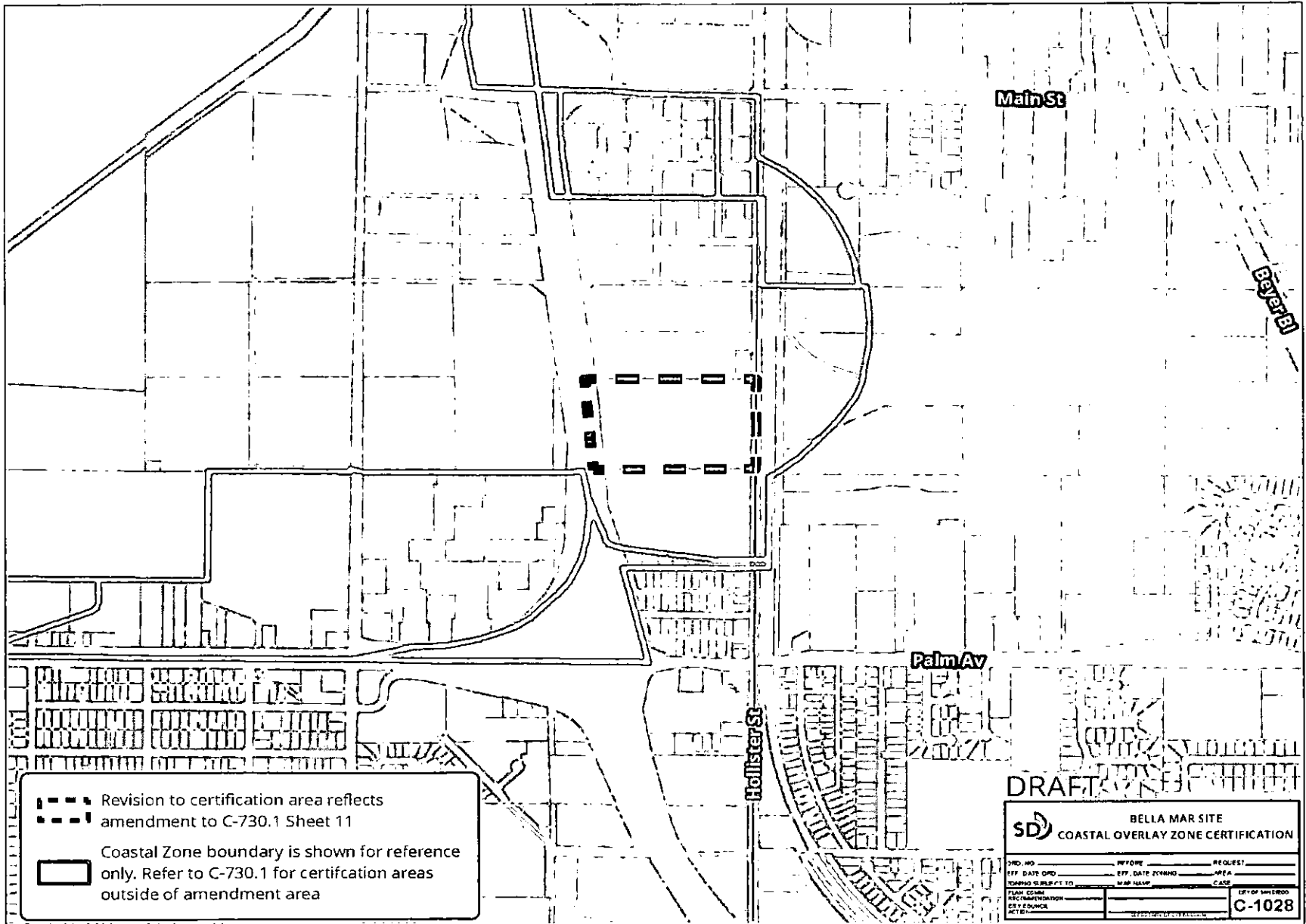
Approved: 9/15/23  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(Note: The date of final passage is September 18, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)



## STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

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- (c) [No change in text.]



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- (b)     [No change in text.]

LNH:cm  
July 11, 2023  
Or.Dept: DSD  
Doc. No. 3354248\_3

Passed by the Council of The City of San Diego on SEP 12 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SEP 18 2023**

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, 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

JUL 25 2023

SEP 18 2023

\_\_\_\_\_, and on \_\_\_\_\_.

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)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21719**