

ORDINANCE NUMBER O- 21811 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 1 1 2024

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,  
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 132.0505, RELATING TO COASTAL  
HEIGHT LIMIT OVERLAY ZONE.

WHEREAS, People's Ordinance No. 10960 (New Series) (the Height Limit Ordinance) was enacted by the voters of the City of San Diego (City) as Proposition D on November 7, 1972, to limit the height of buildings in the City to 30 feet or less in the Coastal Zone, as defined in the Height Limit Ordinance; and

WHEREAS, San Diego Municipal Code (Municipal Code) section 27.1049 requires that any initiated legislative act adopted by a majority vote of the voters may be amended or repealed only by a majority vote of the voters or by San Diego Charter (Charter) amendment; and

WHEREAS, on November 3, 2020, a majority of City voters voted to amend the Height Limit Ordinance for the Midway-Pacific Highway Community Plan area (Measure E) and codified as Municipal Code section 132.0505(b)(4); and

WHEREAS, on January 20, 2022, a court entered a judgment granting a writ of mandate in Case No. 37-2020-0030308-CU-TT-CTL to set aside all of the City's approvals to place Measure E on the November 3, 2020 ballot (San Diego Superior Court Decision); and

WHEREAS, a majority of City voters amended the Height Limit Ordinance on November 8, 2022, as Measure C, for the Midway-Pacific Highway Community Plan area (Measure C) and codified as Municipal Code section 132.0505(b)(5); and

WHEREAS, on June 23, 2023, California's Fourth District Court of Appeal affirmed the judgment granting a writ of mandate in Case No. -372020-0030308-CU-TT-CTL to set aside all of the City's approvals to place Measure E on the November 3, 2020 ballot; and

WHEREAS, both Measure E and Measure C proposed similar amendments to the Height Limit Ordinance codified in Municipal Code section 132.0505 to exclude the Midway-Pacific Highway Community Plan area from the 30-foot height limit in the Coastal Zone; and

WHEREAS, the judgment by the Superior Court of San Diego County set aside the amendments approved by Measure E and this repeal does not impact amendments approved by Measure C; 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 2, Division 5 of the San Diego Municipal Code is amended by amending section 132.0505, to read as follows:

**§132.0505 Coastal Height Limit**

- (a) [No change in text.]
- (b) The words "Coastal Zone" as used within this section shall mean that land and water area of the City of San Diego from the northern City limits, south to the border of the Republic of Mexico, extending seaward to the outer limits of City jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to:

- (1) that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north or,
- (2) that the land area of the Coastal Zone bounded by Ingraham Street on the west, Sea World Drive on the south, Mission Bay on the north and the boat ramp access road in South Shores Park on the east or,
- (3) that land area of the Coastal Zone approximately bounded on the north and west by Camino de la Plaza, on the south by the international border with the Republic of Mexico, and on the east by Virginia Avenue, including that adjacent strip of land of approximately forty by 520 feet which is located south of Camino de la Plaza and east of Virginia Avenue, all as more particularly described as Document No. OO-18836, a copy of which is on file with the City Clerk; and
- (4) that land area of the Coastal Zone within the Midway-Pacific Highway Community Plan area approximately bounded by the San Diego River on the north; San Diego International Airport and Laurel Street on the south; Interstate 5 on the east; and Sports Arena Boulevard, Midway Drive, Kemper Street, Rosecrans Street, and Lytton Street, including the Kemper Neighborhood Village and the Lytton District, on the west; as more particularly described in Document No. OO-21508, a copy of which is on file with the City Clerk.

- (c) [No change in text.]
- (d) Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery Building located at Washington and Hancock Streets in San Diego, California, and as described in sections 132.0505(b)(1) through (b)(4), there shall be no exception to the provisions of this section.


(e) through (i) [No change in text.]

Section 2. That, notwithstanding Municipal Code sections 112.0509 and 111.0107, which provides for a Planning Commission hearing and recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required as the requested action is to implement a writ of mandate of the Superior Court of San Diego County which set aside Measure E and the Planning Commission would not be able to recommend edits to the requested action.

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 this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
Corrine L. Neuffer  
Senior Chief Deputy City Attorney

CLN:cm:cc  
February 14, 2024  
Or.Dept: Planning  
Doc. No. 3564693

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 6/11/24  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
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 \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 132.0505, RELATING TO COASTAL HEIGHT LIMIT OVERLAY ZONE.

**§132.0505 Coastal Height Limit**

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  - (1) that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north; or,
  - (2) that the land area of the Coastal Zone bounded by Ingraham Street on the west, Sea World Drive on the south, Mission Bay on the north and the boat ramp access road in South Shores Park on the east; or,
  - (3) that land area of the Coastal Zone approximately bounded on the north and west by Camino de la Plaza, on the south by the international border with the Republic of Mexico, and on the east

by Virginia Avenue, including that adjacent strip of land of approximately forty by 520 feet which is located south of Camino de la Plaza and east of Virginia Avenue, all as more particularly described as Document No. OO-18836, a copy of which is on file with the City Clerk; and

~~(4)~~ that land area of the Coastal Zone within the Midway-Pacific Highway Community Plan area approximately bounded by the San Diego River on the north; San Diego International Airport and Laurel Street on the south; Interstate 5 on the east; and Sports Arena Boulevard, Midway Drive, Kemper Street, Rosecrans Street, and Lytton Street, including the Kemper Neighborhood Village and the Lytton District, on the west; as more particularly described in Document No. OO-21220, a copy of which is on file with the City Clerk.

~~(5)~~(4) that land area of the Coastal Zone within the Midway-Pacific Highway Community Plan area approximately bounded by the San Diego River on the north; San Diego International Airport and Laurel Street on the south; Interstate 5 on the east; and Sports Arena Boulevard, Midway Drive, Kemper Street, Rosecrans Street, and Lytton Street, including the Kemper Neighborhood Village and the Lytton District, on the west; as more particularly described in Document No. OO-21508, a copy of which is on file with the City Clerk.

(c) [No change in text.]

(d) Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery Building located at Washington and Hancock Streets in San Diego, California, and as described in sections 132.0505(b)(1) through (b)(45)(4), there shall be no exception to the provisions of this section.

(e) through (i) [No change in text.]

CLN:cm:cc  
February 14, 2024  
Or.Dept: Planning  
Doc. No. 3564694



JUN 04 2024

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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"/>
Henry L. Foster III	<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 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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 11 2024

AUTHENTICATED BY:

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

(Seal)

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

MAY 13 2024, and on JUN 11 2024

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- <u>21811</u>