

ORDINANCE NUMBER O- **21934** (NEW SERIES)

DATE OF FINAL PASSAGE **MAR 25 2025**

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0431, RELATING TO DEVELOPMENT REGULATIONS TABLE 131-04D FOR THE RS-1-2 RESIDENTIAL ZONE IN THE SOUTHEASTERN SAN DIEGO AND ENCANTO NEIGHBORHOODS COMMUNITY PLANNING AREAS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. By San Diego Resolution R-310078 (Dec. 2, 2015), the Council adopted the Southeastern San Diego Community Plan Update and the Encanto Neighborhoods Community Plan. The Southeastern San Diego Community Plan Update and the Encanto Neighborhoods Community Plan redesignated certain land uses to Residential – Very Low (0-4 dwelling units per acre). By San Diego Ordinance O-20580 (Dec. 15, 2015), the Council approved the rezone of certain lots designated Residential – Very Low to the RS-1-2 base zone associated with the Southeastern San Diego Community Plan Update and the Encanto Neighborhoods Community Plan.

B. By Ordinance O-21164 (Jan. 8, 2020), the Council approved the 12th Update (Phase 2) to the Land Development Code and Local Coastal Program, adding Footnote 7 to Table 131-04D in Section 131.0431 of the San Diego Municipal Code (Municipal Code). Footnote 7 in Table 131-04D reduced the required minimum lot size in the RS-1-2 base zone within the Encanto Neighborhoods and Southeastern San Diego Community Planning areas from 20,000 square feet to 5,000 square feet.

C. By Ordinance O-21416 (Jan. 27, 2022), the Council approved the 2021 Land Development Code Update to the Municipal Code and Local Coastal Program, amending Footnote 7 for Table 131-04D in Municipal Code section 131.0431. The amendment to Footnote 7 for Table 131-04D applied the development regulations of the RS-1-7 base zone to sites zoned RS-1-2 in the Encanto Neighborhoods and Southeastern San Diego Community Planning areas, which includes reduced minimum lot dimensions and setback requirements consistent with a 5,000 square foot minimum lot within the Encanto Neighborhoods and Southeastern San Diego Community Planning areas. There are no sites in Southeastern San Diego zoned RS-1-2. As such, Footnote 7 for Table 131-04D only affects the Encanto Neighborhoods (also known as Chollas Valley) community.

D. With Footnote 7 for Table 131-04D, which only applies to the RS-1-2 base zone, a discretionary action to subdivide a property is still required. A required discretionary action to subdivide continued to ensure that any proposed new development does not exceed the Community Plan land use density of up to four dwelling units per acre.

E. The adoption of Footnote 7 for Table 131-04D and its subsequent amendment were a part of two Citywide Land Development Code Updates. Footnote 7 must be implemented consistent with the Encanto Neighborhoods Community Plan. However, because the provisions contained in Footnote 7 would only apply in the Encanto Neighborhoods Community Plan area, additional outreach to this affected community should have been conducted prior to its adoption. The City Planning Department recommends repealing Footnote 7 because that community specific outreach did not occur previously. Footnote 7 for Table 131-04D should also be repealed to ensure that the RS-1-2 base zone development regulations apply consistently Citywide.

F. This Ordinance repeals Footnote 7 for Table 131-04D in Municipal Code section 131.0431. The development regulations of the RS-1-2 base zone would apply to the rezoned lots adopted on December 15, 2015, associated with the Encanto Neighborhoods Community Plan Update. This action is consistent with the Encanto Neighborhoods Community Plan Residential – Very Low (0-4 dwelling units /acre) land use designation, which allows up to four homes per acre. The proposed amendment would restore the 20,000 square foot minimum lot size requirement in the RS-1-2 base zone in the Encanto Neighborhoods and Southeastern San Diego Community Planning areas. This lot size would allow for up to two dwelling units per acre, which is within the density range of the Residential – Very Low (0-4 dwelling units/acre) land use designation.

G. The Housing Crisis Act of 2019 as codified by California Government Code section 66300(b)(1)(A) prohibits the reduction of intensity by changing the zoning of a parcel of a property below what was allowed under the zoning ordinance effective January 1, 2018. This action is consistent with California Government Code section 66300(b)(1)(A) because Footnote 7 for Table 131-04D was approved on January 8, 2020. With the repeal of Footnote 7 for Table 131-04D, the zoning for the impacted properties will be the same as was effective on January 1, 2018.

H. By Resolution R-313100 (June 18, 2020), the Council adopted the General Plan Housing Element which contains an inventory of adequate sites to meet the City's share of the regional housing need. The General Plan Housing Element adequate sites inventory included sites zoned RS-1-2 in the Encanto Neighborhoods Community Plan area. The sites included in the General Plan Housing Element adequate sites inventory zoned RS-1-2 assumed the development of homes allowed by the RS-1-2 base zone development regulations without the

inclusion of Footnote 7 for Table 131-04D. The removal of Footnote 7 from Table 131-04D would not reduce, require, or permit the reduction of the residential density of any lot identified in the General Plan Housing Element adequate sites inventory below the share of the regional housing need.

I. 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 true, and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0431, to read as follows:

§131.0431 Development Regulations Table for Residential Zones

The following development regulations apply in the residential zones as shown in Tables 131-04D, 131-04E, 131-04F, and 131-04G.

(a) RS Zones

Table 131-04D

Development Regulations for RS Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
		1-	1-	1-	1-	1-	1-	1-
		1	2	3	4	5	6	7
Max permitted <i>density</i> (DU per <i>lot</i>)	[No change in text.]							
Min lot area (sf)	40,000	20,000	15,000	10,000	8,000	6,000	5,000	
Min lot dimensions, Lot width (ft) through <i>Dwelling Unit Protection Regulations</i> [See	[No change in text.]							

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Chapter 14, Article 3, Division 12] [No change in text.]								

Footnotes for Table 131-04D

¹ through ⁶ [No change in text.]

(b) through (d) [No change in text.]

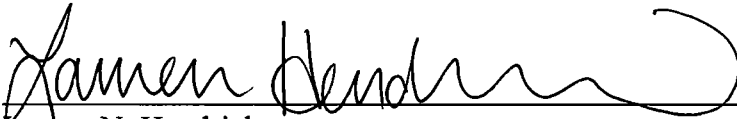
Section 2. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 3. Ordinances O-21618 (Mar. 7, 2023) and O-21836 (July 22, 2024) were considered by the Council and may amend San Diego Municipal Code sections also amended by this Ordinance. Ordinances O-21618 and O-21836 also require California Coastal Commission certification prior to becoming effective in the Coastal Overlay Zone. The California Coastal Commission may propose modifications to San Diego Municipal Code sections also amended by this Ordinance. The City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text upon the final passage of the Ordinances, without further action by the Council, pursuant to San Diego Charter section 275.

Section 4. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage, except that provisions of this Ordinance which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program

amendment, shall not take effect inside the Coastal Overlay Zone until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: HEATHER FERBERT, City Attorney

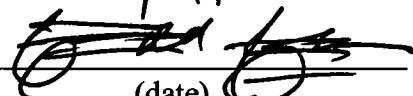
By 
Lauren N. Hendrickson
Deputy City Attorney

LNH:cm
February 11, 2025
Or.Dept: City Planning
Doc. No. 3957689

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on MAR 18 2025.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved:  3/21/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is March 25, 2025, 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

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	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
Max permitted density (DU per lot)	[No change in text.]							
Min lot area (sf)	40,000	20,000 (7)	15,000	10,000	8,000	6,000	5,000	
Min lot dimensions, Lot width (ft) through Dwelling Unit Protection Regulations [See Chapter 14, Article 3, Division 12] [No change in text.]	[No change in text.]							

Footnotes for Table 131-04D

¹ through ⁶ [No change in text.]

⁷ ~~In the Encanto and Southeastern San Diego Community Planning areas, the lot size shall be a minimum of 5,000 square feet, and all development regulations of the RS 1-7 zone shall apply to subdivisions.~~

(b) through (d) [No change in text.]

LNH:cm
February 11, 2025
Or.Dept: City Planning
Doc. No. 3957690

Passed by the Council of The City of San Diego on MAR 18 2025, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAR 25 2025.

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 Linda Irwin, 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

MAR 04 2025, and on MAR 25 2025.

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 Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- **21934**