

ORDINANCE NUMBER O- 22141 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 29 2026

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

RECITALS

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

A. 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.

The Height Limit Ordinance limits the height of buildings in the City to 30 feet or less in the Coastal Zone, as defined in the ordinance.

B. San Diego Municipal Code (Municipal Code) section 27.1049 requires that any legislative act adopted by a majority vote of the voters may be amended or repealed only by a majority vote of the voters or by an amendment to the San Diego Charter.

C. On November 8, 2022, a majority of City voters voted to amend the Height Limit Ordinance for the Midway-Pacific Highway Community Plan area (Measure C). This amendment is codified as Municipal Code section 132.0505(b)(4). A lawsuit was filed challenging the City's decision to place Measure C on the ballot.

D. On January 29, 2024, the Superior Court of California, County of San Diego, (Superior Court) ruled in favor of the City in the lawsuit, Case No. 37-2022-00035094-CU-TT-CTL. The petitioner appealed the Superior Court's decision.

E. On October 17, 2025, California's Fourth District Court of Appeal reversed the trial court, invalidating all of the City's approvals to place Measure C on the November 8, 2022, ballot.

F. On March 12, 2026, the Superior Court issued a final writ of mandate ordering the City to set aside all approvals of Ordinance No. O-21508 N.S., which submitted Measure C to the voters on the November 8, 2022 ballot to amend the Height Limit Ordinance and Municipal Code 132.0505 to exclude the Midway-Pacific Highway Community Plan Area from the Height Limit Ordinance.

G. All appeals have now been exhausted and repealing Measure C is necessary to comply with the Appellate and Superior Court rulings.

H. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

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

Section 1. 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;

- (2) that 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;
 - (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.
- (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)(3), there shall be no exception to the provisions of this section.
- (e) through (j) [No change in text.]

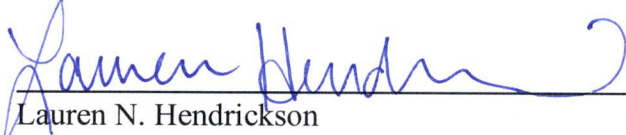
Section 2. This Ordinance waives Municipal Code sections 112.0509 and 111.0107, which require a Planning Commission hearing and recommendation prior to certain Council actions. No Planning Commission hearing or recommendation is required for this action because

it implements a writ of mandate issued by the Superior Court of California, County of San Diego, setting aside Measure C. The Planning Commission would not be able to recommend modifications to the requested action.

Section 3. 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 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.

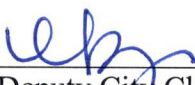
APPROVED: HEATHER FERBERT, City Attorney

By 
Lauren N. Hendrickson
Deputy City Attorney

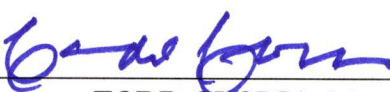
LNH:cm
March 26, 2026
Or.Dept: City Planning
Doc. No. 4378534_2

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
SEP 15 2026.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 9/28/26
(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 _____

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AMENDING SECTION 132.0505, RELATING TO THE
COASTAL HEIGHT LIMIT OVERLAY ZONE.

§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)(3), there shall be no exception to the provisions of this section.

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

LNH:cm

March 26, 2026

Or.Dept: City Planning

Doc. No. 4378535

Passed by the Council of The City of San Diego on September 15, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☒	☐	☐	☐
Marni von Wilpert	☐	☐	☒	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage SEP 29 2026.

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

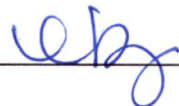
(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By , 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

AUG 24 2026

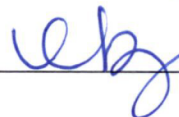
, and on SEP 29 2026.

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number **O-22141**