

ORDINANCE NUMBER O- 18836 (NEW SERIES)

ADOPTED ON AUG 7 2000

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2000, ONE PROPOSITION RELATING TO A MEASURE AMENDING PEOPLE'S ORDINANCE NUMBER 10960 (NEW SERIES) ADOPTED ON NOVEMBER 7, 1972, AS AMENDED BY VOTE OF THE PEOPLE ON NOVEMBER 8, 1988, AS AMENDED BY VOTE OF THE PEOPLE ON NOVEMBER 3, 1998, PERTAINING TO THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] and LandGrant Development, Inc. [Developer] propose to build the International Gateway of the Americas Project [Project] in San Ysidro to redevelop an approximately 66-acre site to include a pedestrian bridge across the Tijuana River to create a new international pedestrian border crossing with the Republic of Mexico, hotel, office building, cultural center, and other buildings or structures; and

WHEREAS, the western edge of the Project site is located inland approximately five miles from the Mean High Tide Line; and

WHEREAS, the Project is consistent with the goals of the adopted San Ysidro Community Plan and the San Ysidro Redevelopment Plan; and

WHEREAS, the Project will generate property tax and sales tax revenues for the City of San Diego and the San Ysidro Elementary School District; and

WHEREAS, the Project is expected to create construction and permanent jobs in the San Ysidro Community; and

WHEREAS, People's Ordinance No. 10960 (New Series) was enacted by the voters as Proposition D on November 7, 1972; and

WHEREAS, pursuant to Section 23 of the San Diego City Charter and Section 27.2501 of the San Diego Municipal Code, the City Council may place any legislative act on the ballot to be considered at a Municipal Election; and

WHEREAS, San Diego Municipal Code section 27.2528 requires that any initiated legislative act adopted by a majority vote of the voters may be amended or repealed only by a vote of the majority of the voters or by Charter amendment; and

WHEREAS, on July 17, 2000, by Resolution No. R-293455, the City Council directed the City Attorney to prepare an ordinance placing the above-described measure on the ballot at a municipal election consolidated with the next general statewide election on November 7, 2000; and

WHEREAS, by Ordinance No. O-18833, adopted on July 31, 2000, the City Council is calling a municipal election to be consolidated with the Statewide General Election on November 7, 2000, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the City Council desires to submit to the electorate at that Municipal Election one proposition relating to the above-described measure to amend People's Ordinance No. 10960 (New Series), as amended by vote of the People on November 8, 1988, as amended by vote of the People on November 3, 1998; NOW, THEREFORE,

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

Section 1. One proposition relating to an ordinance amending People's Ordinance No. 10960 (New Series), as amended by vote of the People on November 8, 1988, as amended by vote of the People on November 3, 1998, pertaining to the height of buildings in the Coastal Zone in the City of San Diego, is hereby submitted to the qualified voters of the City at the Municipal Election to be held November 7, 2000, the proposition to read as follows:

PROPOSITION

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

The San Diego Municipal Code section enacted by the voters as Proposition D on November 7, 1972, as Ordinance No. 10960 (New Series), and amended by vote of the People on November 8, 1988, as Proposition L, and amended by vote of the People on November 3, 1998, as Proposition D, shall be amended as follows (amendment is in *italic print underlined*):

SAN DIEGO MUNICIPAL CODE

Limitation of Height of Buildings in the Coastal Zone

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of The City of San Diego. The words Coastal Zone as used within this Ordinance 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 limit of city jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to (i) 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 (ii) 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 or (iii) 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 on Document No. 0-18836, a copy of which is on file with the City Clerk.

The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. 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, there shall be no exception to the provisions of this Ordinance.

Section 3.

A. No building or structure or addition to a building or structure within the land described in exception Section 1(ii), shall exceed one-half the height of the existing Sea World Sky Tower on that land using the base of measurement in accordance with the Uniform Building Code of 1970.

B. No taxpayer funds shall be spent for any improvements in connection with a building or structure or addition to a building or structure within the land described in exception Section 1(ii).

C. The exception set forth in Section 1(ii) shall remain in effect as long as the land described therein is used for recreational, exhibition, educational, research and scientific purposes.

Section 4. No more than five acres of the approximately sixty-six acre site described in Section 1(iii) may contain buildings or structures, or additions to buildings or structures, measuring up to 150 feet in height. No more than five additional acres of the remaining portion

of the property may contain buildings or structures, or additions to buildings or structures, measuring up to eighty feet in height. As to the remaining portion of the property, no buildings or structures, or additions to buildings or structures, shall exceed fifty feet in height. The footprint of the entire building or structure shall be used to calculate the five acres, whether or not the entire building or structure measures 150 feet or eighty feet in height. The measurement of height shall use the base of measurement in accordance with the Uniform Building Code of 1970.

Section ~~4~~. 5. This ordinance shall take effect and be in force on the day from and after its passage. The City Attorney and City Clerk are hereby authorized to publish this amendment in the appropriate section of the San Diego Municipal Code.

Section ~~5~~. 6. This ordinance may be amended, including an amendment to make an exception to the thirty-foot height limitation, only by a majority vote of the voters of the City of San Diego.

Section 6. 7. The provisions of this Initiative are severable. If any statement, section, subsection, phrase, or word herein, or the application thereof to any person, property or circumstance, is held invalid by a court of competent jurisdiction, either on its face or as applied, the remaining portions of this Initiative shall not be affected, and shall remain in full force and effect.

-----END OF PROPOSITION-----

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . MEASURE.</p> <p>Shall Ordinance O-18837 (New Series) be adopted amending People's Ordinance O-10960 (New Series) to:</p> <p>Modify existing height limitation for structures on approximately 66 acres located in San Ysidro for the International Gateway of the Americas Project, subject to City and Coastal Commission approval, provided that:</p> <p>No more than five acres may include structures up to 150 feet;</p> <p>No more than five acres may include structures up to 80 feet;</p> <p>On the remaining acreage, structures shall not exceed 50 feet?</p>	<p>YES</p>	
	<p>NO</p>	

Section 4. An appropriate mark placed in the voting square after the word "yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

Section 5. The City Clerk shall cause this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of election on this proposition need be given.

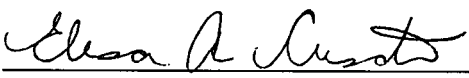
Section 6. Pursuant to California Elections Code section 9295, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is seventy-five days prior to the date set for the

election. The Clerk shall post notice in his office of the specific dates that the examination period will run.

Section 7. 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 8. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on AUG 7 2000, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By 
Elisa A. Cusato
Deputy City Attorney

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08/10/00 COR.COPY
Or.Dept:Atty.
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ORDINANCE O-18837 (NEW SERIES)

This ordinance number was reserved specifically for its use as a reference number for the ballot measure which appears as Proposition O on the ballot of November 7, 2000. Proposition O regards an amendment to the Coastal Zone height limitation.

Proposition C reads:

Shall Ordinance O-18837 (New Series) be adopted amending People's Ordinance O-10960 (New Series) to: Modify existing height limitation for structures on approximately 66 acres located in San Ysidro for the International Gateway of the Americas Project, subject to City and Coastal Commission approval, provided that: No more than five acres may include structures up to 150 feet; no more than five acres may include structures up to 80 feet; and on remaining acreage, structures shall not exceed 50 feet?

On November 7, 2000, the voters of the City of San Diego will either adopt or not adopt the ordinance, as Proposition O receives either a majority "Yes" vote or a majority "No" vote.

The language for the ordinance is as follows, with changes to previously existing law underlined and italicized. The *measure* was placed on the November 7 ballot by Ordinance O-18836 (New Series), adopted August 7, 2000.

SAN DIEGO MUNICIPAL CODE

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The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. 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, there shall be no exception to the provisions of this Ordinance.
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B. No taxpayer funds shall be spent for any improvements in connection with a building or structure or addition to a building or structure within the land described in exception Section 1(ii).

C. The exception set forth in Section 1(ii) shall remain in effect as long as the land described therein is used for recreational, exhibition, educational, research and scientific purposes.

Section 4. No more than five acres of the approximately sixty-six acre site described in Section 1(iii) may contain buildings or structures, or additions to buildings or structures, measuring up to 150 feet in height. No more than five additional acres of the remaining portion of the property may contain buildings or structures, or additions to buildings or structures, measuring up to eighty feet in height. As to the remaining portion of the property, no buildings or structures, or additions to buildings or structures, shall exceed fifty feet in height. The footprint of the entire building or structure shall be used to calculate the five acres, whether or not the entire building or structure measures 150 feet or eighty feet in height. The measurement of height shall use the base of measurement in accordance with the Uniform Building Code of 1970.

~~Section 4.~~ 5. This ordinance shall take effect and be in force on the day from and after its passage. The City Attorney and City Clerk are hereby authorized to publish this amendment in the appropriate section of the San Diego Municipal Code.

~~Section 5.~~ 6. This ordinance may be amended, including an amendment to make an exception to the thirty-foot height limitation, only by a majority vote of the voters of the City of San Diego.

~~Section 6.~~ 7. The provisions of this Initiative are severable. If any statement, section, subsection, phrase, or word herein, or the application thereof to any person, property or circumstance, is held invalid by a court of competent jurisdiction, either on its face or as applied, the remaining portions of this Initiative shall not be affected, and shall remain in full force and effect.