

ORDINANCE NUMBER O- 20814 (NEW SERIES)

DATE OF FINAL PASSAGE APR 18 2017

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING FIGURE C, RELATING TO THE CENTRE CITY PLANNED DISTRICT ORDINANCE IN ORDER TO REMOVE THE EMPLOYMENT REQUIRED OVERLAY DISTRICT FROM A 25,000 SQUARE FOOT SITE ON THE NORTH SIDE OF C STREET BETWEEN THIRD AND FOURTH AVENUES WITHIN THE DOWNTOWN COMMUNITY PLAN IN THE CITY OF SAN DIEGO, CALIFORNIA.

WHEREAS, Sloan Capital Partners, LLC, Owner, and 1122 4th Avenue, LLC, Permittee (“Owner/Permittee”), filed an application with Civic San Diego requesting an amendment under Application No. 2014-76 to amend Chapter 15, Article 6, Division 3 of the San Diego Municipal Code by amending Figure C of the Centre City Planned District Ordinance to remove the Employment Required Overlay District from a site legally described as Lots E, F, G, H, & I in Block 16 of Horton’s Addition in the City of San Diego, County of San Diego, State of California, according to partition map thereof, made by L.L. Lockling, filed in the Office of the County Recorder of San Diego County, Assessor Parcel Numbers 535-112-521-00, 05-00, and 08-00 (Amendment No. 2014-76); and

WHEREAS, Resolution No. R-311017, which was considered along with this Ordinance, proposes to amend the Downtown Community Plan; and

WHEREAS, on January 18, 2017, the Downtown Community Planning Council considered Amendment No. 2014-76 and voted 19-1 to recommend approval of Amendment No. 2014-76; and

WHEREAS, on January 25, 2017, the Civic San Diego Board of Directors considered Amendment No. 2014-76 and voted 8-1 to recommend approval of Amendment No. 2014-76; and

WHEREAS, on March 16, 2017, the Planning Commission of the City of San Diego considered the Centre City Planned District Ordinance Amendment proposed under Application No. 2014-76 and voted 6-0 under Resolution Number 4843-PC to recommend that the City Council approve the amendment proposed under Application No. 2014-76; and

WHEREAS, the matter was set for a duly noticed public hearing on April 4, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego Charter section 280(a)(2), this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

Section 1. That the property legally described as Lots E, F, G, H, & I in Block 16 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to partition map thereof, made by L.L. Lockling, filed in the Office of the County Recorder of San Diego County, Assessor Parcel Numbers 535-112-521-00, 05-00, and 08-00, shall be removed from the Employment Required Overlay District by amending Figure C of Chapter 15, Article 6, Division 3 of the San Diego Municipal Code, the Centre City Planned District Ordinance.

Section 2. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending Figure C, to read as follows:

Figure D through Figure N [No change in text.]

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 prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport (SDIA), this Ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least thirty days have passed from the final date of passage, or the date that R- 311017 adopting the amendment to the Downtown Community Plan becomes effective, whichever date occurs later, and except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for the SDIA, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCP for the SDIA, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, or the date that

311017

R-_____ adopting the amendment to the Downtown Community Plan becomes effective, whichever date occurs later, and except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports; and the City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two-thirds vote.

If the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, or the date that R- 311017 adopting the amendment to the Downtown Community Plan becomes effective, whichever date occurs later, and except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
March 7, 2017
Or.Dept:DSD
Doc. No.: 1456917

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

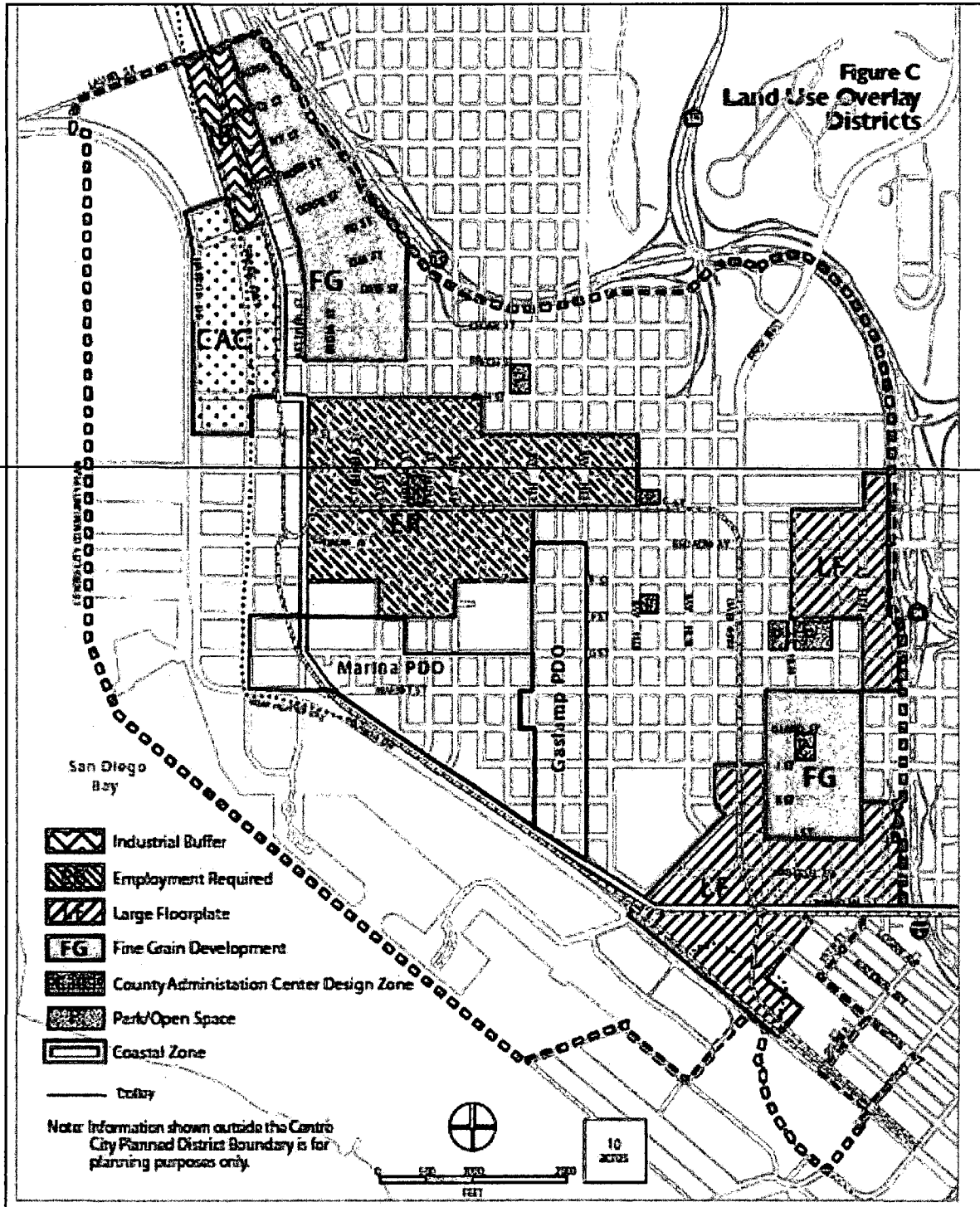
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6,
DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING FIGURE C, RELATING TO THE CENTRE CITY
PLANNED DISTRICT ORDINANCE IN ORDER TO REMOVE
THE EMPLOYMENT REQUIRED OVERLAY DISTRICT
FROM A 25,000 SQUARE FOOT SITE ON THE NORTH SIDE
OF C STREET BETWEEN THIRD AND FOURTH AVENUES
WITHIN THE DOWNTOWN COMMUNITY PLAN IN THE
CITY OF SAN DIEGO, CALIFORNIA.

Figure A through Figure B [No change in text.]



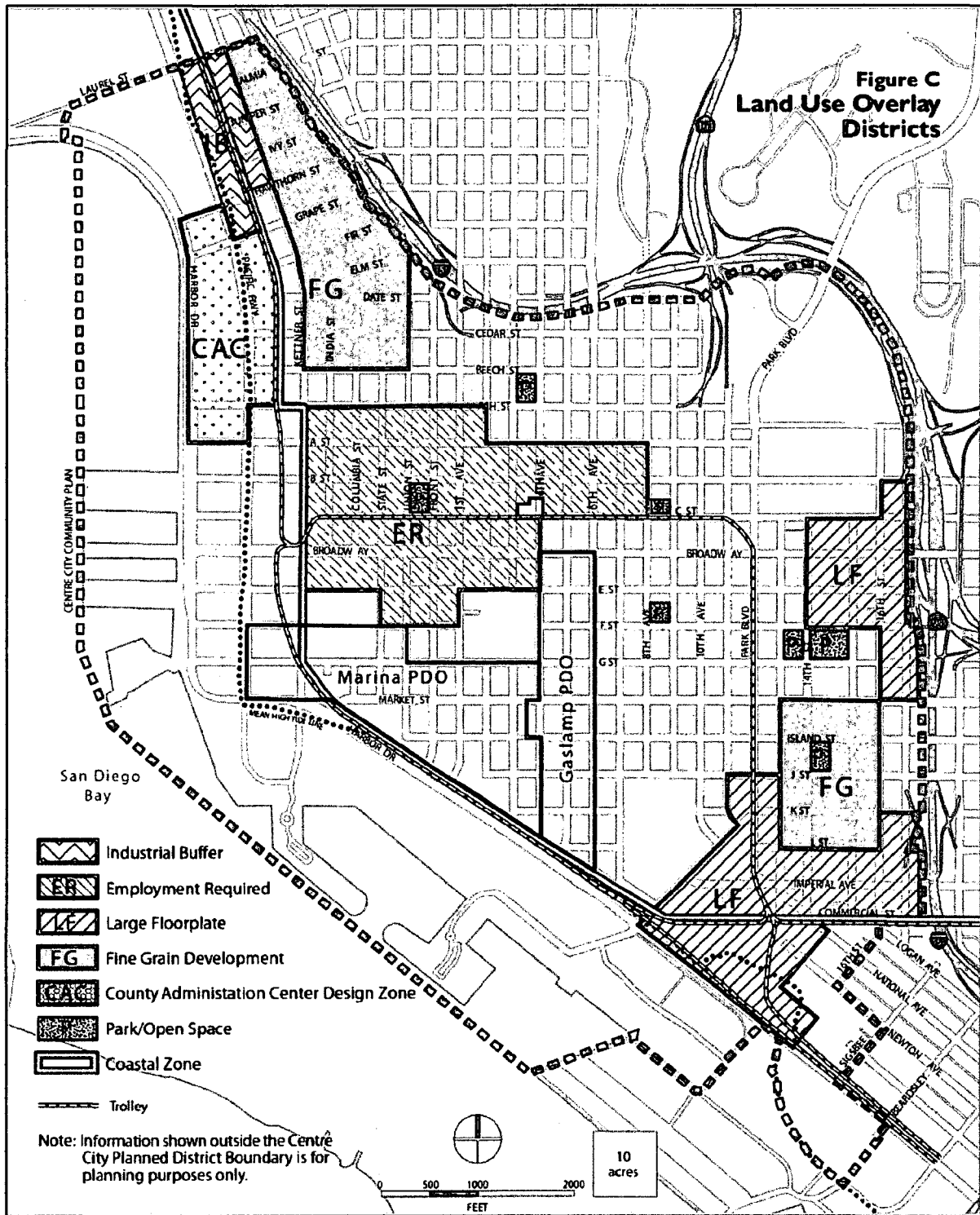


Figure D through Figure N [No change in text.]

CLN:dkr
March 7, 2017
Or.Dept:DSD
Doc. No.: 1457219

Passed by the Council of The City of San Diego on APR 18 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 18 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Ginda Green*, 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

APR 04 2017, and on APR 18 2017

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)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Ginda Green*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20814</u>