

RESOLUTION NUMBER R- 311017

DATE OF FINAL PASSAGE APR 04 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE GENERAL PLAN AND DOWNTOWN COMMUNITY PLAN TO REMOVE THE EMPLOYMENT REQUIRED OVERLAY AREA FROM A 25,000 SQUARE FOOT PREMISES 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 4<sup>th</sup> Avenue, LLC, Permittee ("Owner/Permittee"), filed an application with Civic San Diego requesting an amendment to the General Plan and Downtown Community Plan under Application No. 2014-76 to remove the Employment Required Overlay Area 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; 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 Downtown Community Plan Amendment proposed under Application No. 2014-

76 and voted 6-0 under Resolution Number 4843-PC to recommend that the City Council approve the proposed amendment proposed under Application No. 2014-76; and

WHEREAS, amendments to the Community Plan require an amendment to the General Plan due to the Community Plan being part of the Land Use Element of the General Plan; and

WHEREAS, the Council has considered the following factors with respect to DCP Amendment No. 2014-76: 1) consistency with the goals and policies of the General Plan and the Downtown Community Plan; 2) additional public benefits to the community as compared to the plan; 3) availability of public facilities to serve the proposed increase in density/intensity, or their provision is addressed as part of the amendment; 4) the level and diversity of community support; 5) appropriateness of the size and boundary for the amendment site; 6) the provision of additional benefit to the community; 7) implementation of major General Plan and Downtown Community Plan goals; and 8) the provision of public facilities; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution 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,

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; NOW, THEREFORE,


BE IT RESOLVED, by the City Council of the City of San Diego, that:

1. DCP Amendment No. 2014-76 to the General Plan and Downtown Community Plan, on file in the Office of the City Clerk as Document No. RR- 311017, is adopted.

2. This Resolution shall take effect and be in force after its final passage, except that the provisions of this Resolution 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, and until O- 20814 amending the Centre City Planned District Ordinance, is finally passed and is unconditionally certified by the California Coastal Commission as a local coastal program amendment.

3. No building permits for development inconsistent with the provisions of this resolution shall be issued unless application therefore was made prior to the passage of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Corrine L. Neuffer  
Deputy City Attorney

CLN:dkr  
March 10, 2017  
March 24, 2017 COR. COPY  
March 30, 2017 COR. COPY 2  
Or.Dept:Civic San Diego  
Doc. No.: 1459409\_3

Passed by the Council of The City of San Diego on APR 0.4 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 0.4 2017

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

AUTHENTICATED BY:

(Seal)

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

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

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311017