

ORDINANCE NUMBER O- 20955 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 29 2018

ITEM # 52A

6/26/18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING 2.1 ACRES LOCATED AT 2635 SECOND AVENUE, 210 MAPLE STREET, 2606 THIRD AVENUE, 328 MAPLE STREET, 2655 THIRD AVENUE, AND 311 NUTMEG STREET, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-3-9 ZONE TO RM-4-10; AND 0.69 ACRES LOCATED AT 2664 FOURTH AVENUE, 2654 FOURTH AVENUE, AND 2640 FOURTH AVENUE FROM CC-3-8 TO CC-3-9 WITHIN THE UPTOWN COMMUNITY PLAN AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0406 AND 131.0507; AND REPEALING ORDINANCE NO. O-20771, ADOPTED DECEMBER 16, 2016, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

WHEREAS, Resolution No. R- 311804 (Uptown Community Plan

Amendments), which was considered along with this Ordinance, proposes to redesignate 2.1 acres located at 2635 Second Avenue, 210 Maple Street, 2606 Third Avenue, 328 Maple Street, 2655 Third Avenue, and 311 Nutmeg Street from Residential High 45 to 73 dwelling units per acre to Residential Very High 74 to 109 dwelling units per acre and 0.69 acres located at 2664 Fourth Avenue, 2654 Fourth Avenue, and 2640 Fourth Avenue from Office Commercial 0-73 dwelling units per acre to Office Commercial 0-109 dwelling units per acre in the Uptown Community Plan; and

WHEREAS, rezoning the land within the Uptown planning area is proposed to be consistent with the land use designation set in the Uptown Community Plan; and

WHEREAS, on March 15, 2018, the Planning Commission of the City of San Diego considered Rezone No. 4333; and voted 5-0-0 recommend City Council approval of Rezone No. 4333; and

WHEREAS, the matter was set for public hearing on June 12, 2018, 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 2.1 acres located at 2635 Second Avenue, 210 Maple Street, 2606 Third Avenue, 328 Maple Street, 2655 Third Avenue, and 311 Nutmeg Street and legally described in the appended boundary description file in the office of the City Clerk under Document No. OO- 20955, within the Uptown Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4333, filed in the office of the City Clerk, are rezoned from RM-3-9 to RM-4-10 respectively, as the zones are described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That 0.69 acres located at 2664 Fourth Avenue, 2654 Fourth Avenue, and 2640 Fourth Avenue legally described in the appended boundary description file in the office of the City Clerk under Document No. OO- 20955, within the Uptown Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4333, filed in the office of the City Clerk, are rezoned from CC-3-8 to CC-3-9 respectively, as the zones are described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 5. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 3. That Ordinance No. O-20771 (New Series), adopted December 16, 2016, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 4. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been made available to the City Council and the public a day prior to its final passage.

Section 5. 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 Plan (ALUCP) for the San Diego International Airport facility (SDIA), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, the thirtieth day from and after the its final passage, or the date that R-311804 adopting the Uptown Community Amendments becomes effective, whichever date occurs later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for 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 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 R- 311804 adopting the Uptown Community Amendments becomes effective, whichever date occurs later.

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, the California Department of Transportation, Division of Aeronautics, and the airport operators for


the applicable airport(s). 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 a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That 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- 311804 adopting the Uptown Community Amendments becomes effective, whichever date occurs later.

Section 6. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless the application therefore was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By


  
\_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
5/16/2018  
Or.Dept:Planning  
Doc. No.: 1749334

Attachment: Exhibit A – Rezone B-4333 with Uptown Parcel Information

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 26 2018

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/28/18  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

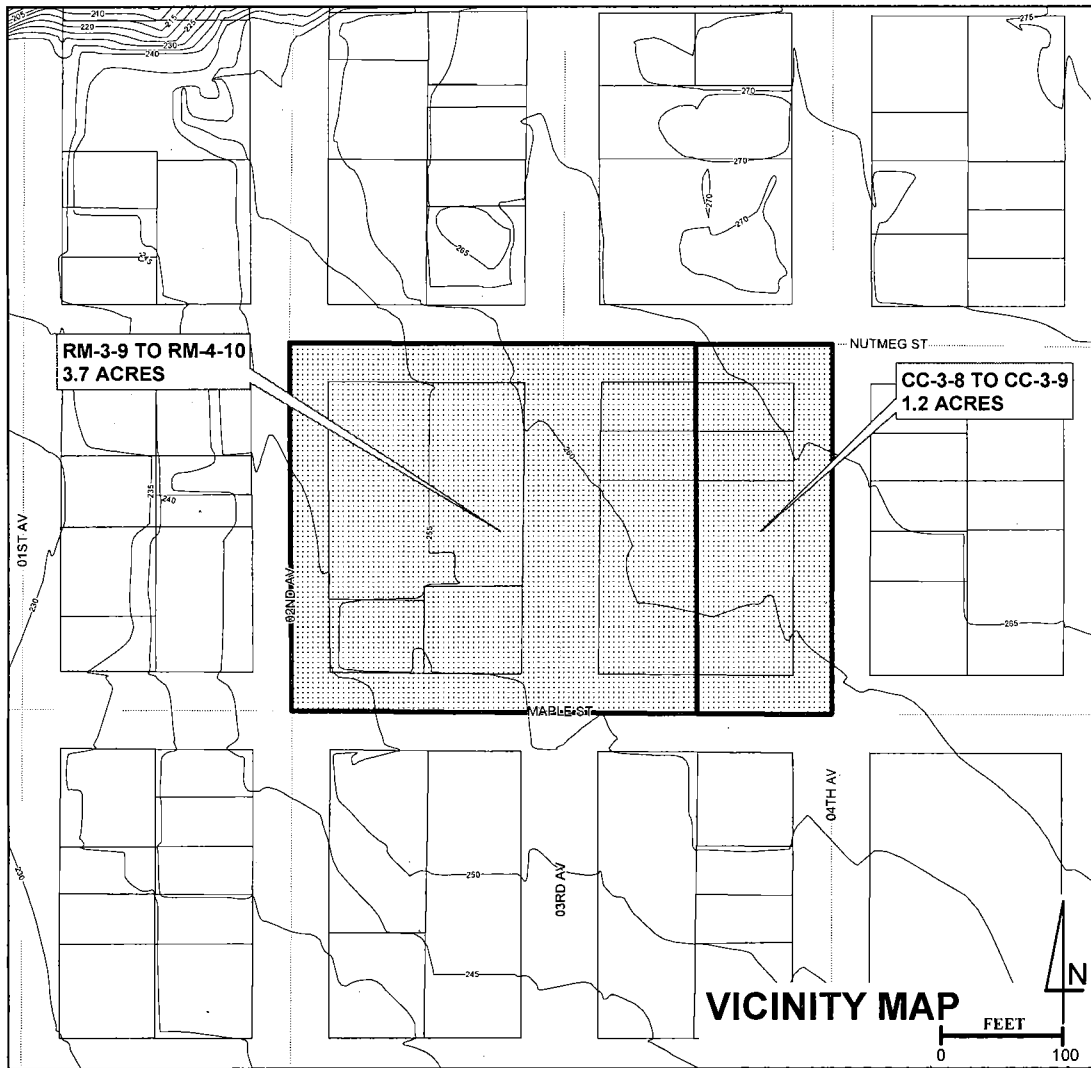
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The date of final passage is June 29, 2018, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

# PROPOSED REZONING



BLK 302 LOTS A THRU F, I - L & N , BLK 303 LOT A THRU K		CASE NO.
ORDINANCE NO. _____	REQUEST RM-4-10 & CC-3-9	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	<b>B- 4333</b>
BEFORE DATE _____		APN: _____
EFF. DATE ZONING _____		(202-1713) 2-13-18 ldj
MAP NAME AND NO. _____		

Passed by the Council of The City of San Diego on JUN 26 2018, 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 JUN 29 2018

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 *Hy Ready*, 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

JUN 12 2018, and on JUN 29 2018

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 *Hy Ready*, Deputy

Office of the City Clerk, San Diego, California	
Ordinance Number O-	<u>20955</u>