

ORDINANCE NUMBER O- 21052 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 12 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING 0.437 ACRES LOCATED ON THE NORTH SIDE OF BROADWAY BETWEEN 13TH AND 14TH STREETS IN THE EAST VILLAGE NEIGHBORHOOD OF THE DOWNTOWN COMMUNITY PLAN AREA, FROM THE PUBLIC FACILITIES DISTRICT ZONE TO THE NEIGHBORHOOD MIXED-USE CENTER ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 15 ARTICLE 6 DIVISION 3; AND REPEALING ORDINANCE NO. O-20177 (NEW SERIES), ADOPTED ON JUNE 26, 2012, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

WHEREAS, the City of San Diego, Owner, and Chelsea Investment Corporation, Permittee, filed an application with Civic San Diego to allow for the construction of a mixed-use affordable housing development containing a 14-story tower (up to 154 feet tall) containing 273 residential units, 270 (99%) of which will be affordable, approximately 3,200 square feet (SF) of commercial space, and a minimum of 64 automobile parking spaces, commonly referred to as 13th & Broadway (“Project”); and

WHEREAS, the Project site is located on a 19,039 SF premises located on the north side of Broadway between 13th and 14th streets in the East Village neighborhood of the Downtown Community Plan area (“Downtown”); and

WHEREAS, the City of San Diego, Owner, and Chelsea Investment Corporation, Permittee, requested a rezone for the purpose of changing 0.437 acres, located on the north side of Broadway between 13th and 14th streets in the East Village neighborhood of the Downtown Community Plan area, and legally described as legally described as Lots 1 through 8, inclusive of Block 27, of Thomas’ resubdivision of Block 27, Horton’s Addition, in the City of San Diego, County of San Diego, State of California, as per Map 211, filed June 8, 1886, including all

mineral interests therein. Also: the south one-half of the alley adjoining said Lots 1 through 8, inclusive, on the north, as vacated and closed to public use by San Diego City Council Resolution No. 82006, October 20, 1945, Assessor Parcel Number 534-205-08-00 (Rezone); and

WHEREAS, on January 24, 2019, Planning Commission of the City of San Diego considered the Rezone and voted 6-0-1 to recommend City Council approval of the Rezone; and

WHEREAS, under 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on February 11, 2019, 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 the 0.437 acre property legally described as Lots 1 through 8, inclusive of Block 27, of Thomas' resubdivision of Block 27, Horton's Addition, in the City of San Diego, County of San Diego, State of California, as per Map 211, filed June 8, 1886, including all mineral interests therein. Also: the south one-half of the alley adjoining said Lots 1 through 8, inclusive, on the north, as vacated and closed to public use by San Diego City Council Resolution No. 82006, October 20, 1945, Assessor Parcel Number 534-205-08-00, as shown on Zone Map Drawing No. 2018-48 on file in the office of the City Clerk as Document No. OO- 21052, is rezoned from the Public Facilities District zone to the Neighborhood Mixed-Use Center zone, as the zone is described and defined by Chapter 15

Article 6 Division 3 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 20177 (New Series) adopted on June 26, 2012, of the Ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

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 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, or the thirtieth day from and after the its final passage, 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.

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.

Section 5. 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

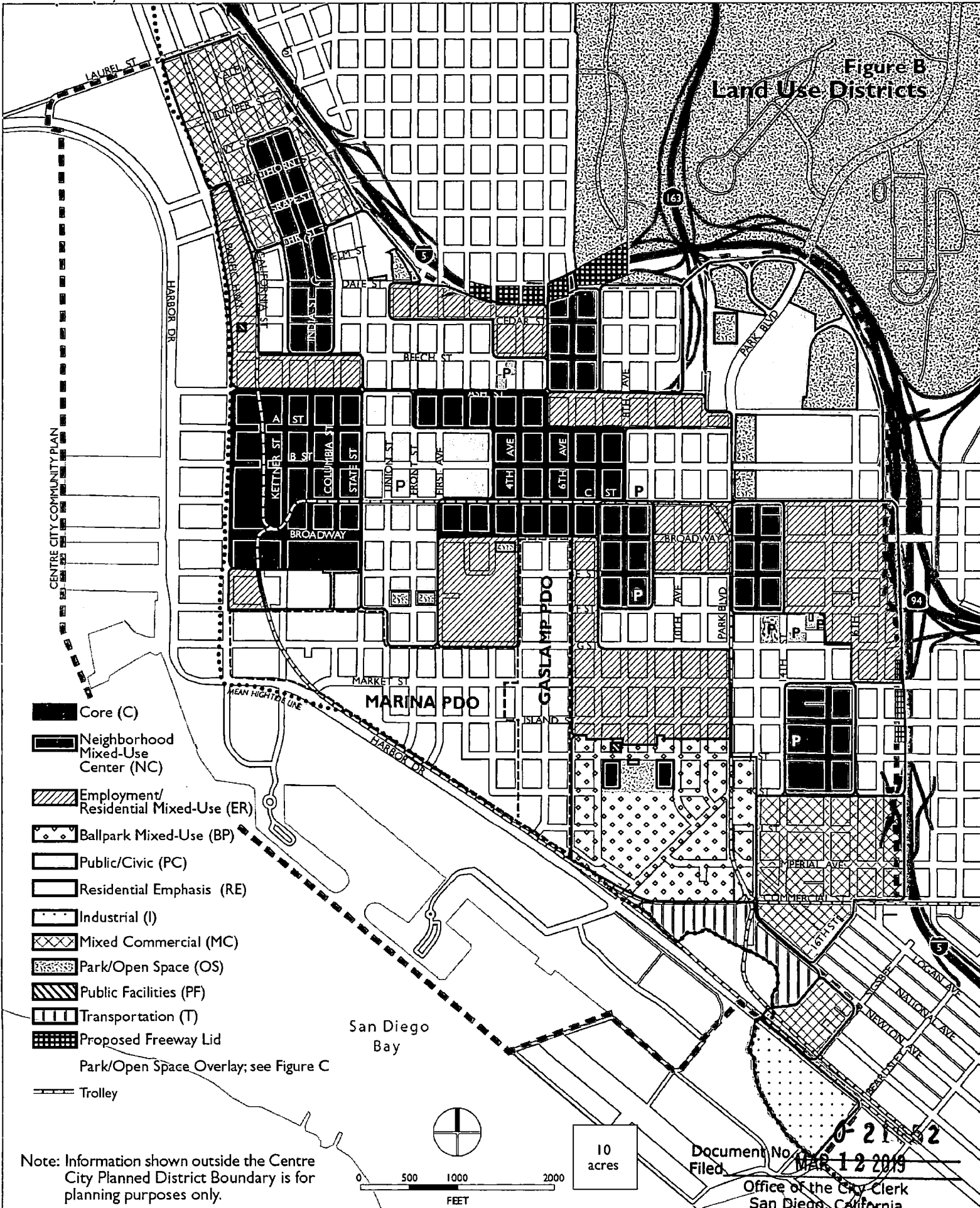


Corrine Neuffer
Deputy City Attorney

CLN:nja
01/22/19
Or. Dept: Civic
Doc. No.: 1912921

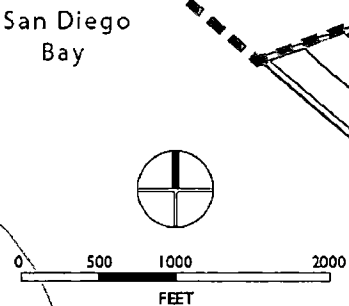
Attachment: Rezone Map Drawing No. 2018-48

Figure B
Land Use Districts



- Core (C)
- Neighborhood Mixed-Use Center (NC)
- Employment/Residential Mixed-Use (ER)
- Ballpark Mixed-Use (BP)
- Public/Civic (PC)
- Residential Emphasis (RE)
- Industrial (I)
- Mixed Commercial (MC)
- Park/Open Space (OS)
- Public Facilities (PF)
- Transportation (T)
- Proposed Freeway Lid
- Park/Open Space Overlay; see Figure C
- Trolley

Note: Information shown outside the Centre City Planned District Boundary is for planning purposes only.



10
acres

Document No. 0-21-52
Filed MAR 12 2019
Office of the City Clerk
San Diego, California

Passed by the Council of The City of San Diego on MAR 12 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 12 2019.

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 Mead*, 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 FEB 11 2019, and on MAR 12 2019.

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 Mead*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21052