

ORDINANCE NUMBER O- 21053 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 12 2019

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING FIGURE B OF THE CENTRE CITY PLANNED DISTRICT ORDINANCE TO REFLECT THE ZONING CHANGE OF THE PROPERTY LOCATED AT 1320 BROADWAY FROM PUBLIC FACILITIES TO NEIGHBORHOOD MIXED-USE CENTER.

WHEREAS, the City of San Diego, Owner, and Chelsea Investment Corporation, Permittee, filed an application with Civic San Diego requesting an amendment under Application No. 2018-48 to amend Chapter 15, Article 6, Division 3 of the San Diego Municipal Code by amending Figure B of the Centre City Planned District Ordinance; and

WHEREAS, the requested amendment would change the zoning from Public Facilities to Neighborhood Mixed-Use Center at a site 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; and 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 (Property); and

WHEREAS, Rezone Ordinance No. 21052, which was considered along with this Ordinance, proposes to rezone the Property; and

WHEREAS, on December 12, 2018, the Downtown Community Planning Council considered Amendment No. 2018-48 and voted 15-2 to recommend approval of the Amendment; and

WHEREAS, on December 19, 2018, the Civic San Diego Board of Directors considered Amendment No. 2018-48 and voted 7-0 to recommend approval of Amendment; and

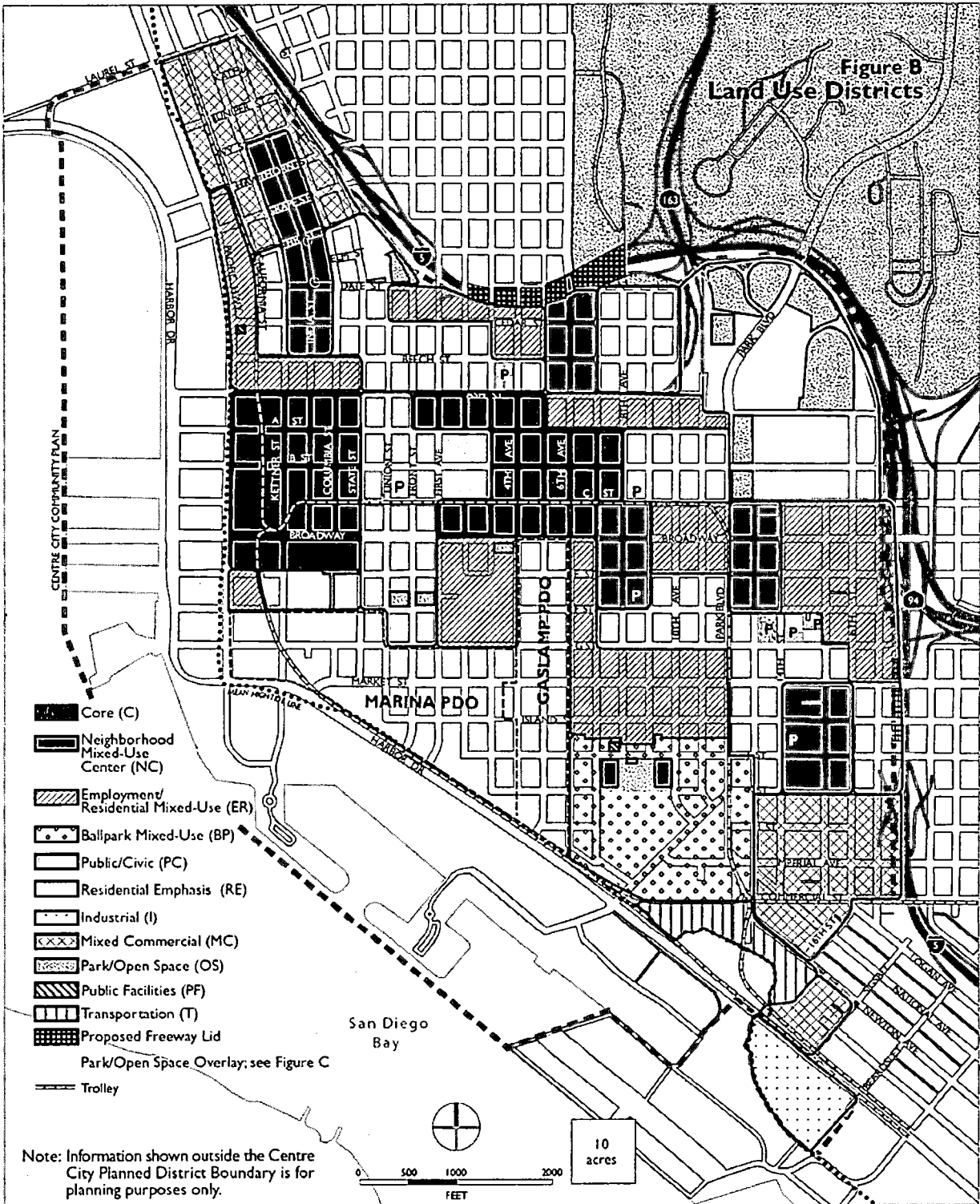
WHEREAS, on January 24, 2019, the Planning Commission of the City of San Diego considered the Centre City Planned District Ordinance Amendment proposed under Amendment No. 2018-48 and voted 6-0-1 to recommend that the City Council approve the Amendment; and

WHEREAS, the matter was set for a duly noticed 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; 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 a public hearing was required by law implicating due process rights of individuals affected by the decision, and 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 Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending Figure B, to read as follows:



Section 2. 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 3. 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 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 O- 21052 rezoning the Property 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 O- 21052 rezoning the Property 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, the 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 O- 21052 rezoning the Property 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:nja  
01/16/19  
02/08/19 Cor. Copy  
Or. Dept: Civic  
Doc. No.: 1910205\_2

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE:** ~~Struck Out~~

**NEW LANGUAGE:** Double Underline

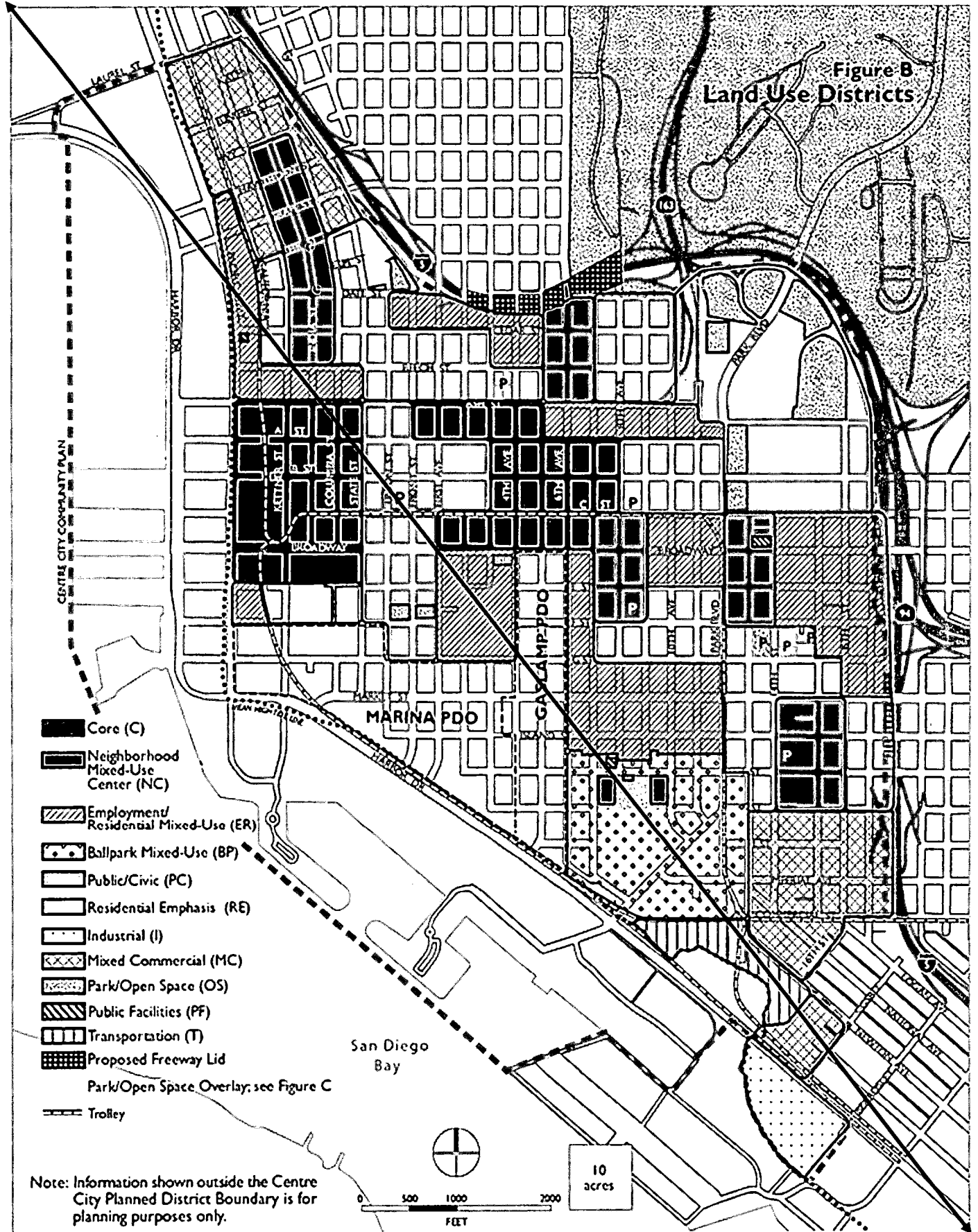
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AMENDING FIGURE B OF THE CENTRE CITY PLANNED  
DISTRICT ORDINANCE TO REFLECT THE ZONING  
CHANGE OF THE PROPERTY LOCATED AT 1320  
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NEIGHBORHOOD MIXED-USE CENTER.

Figure A [No change in text.]

Figure B [See below.]





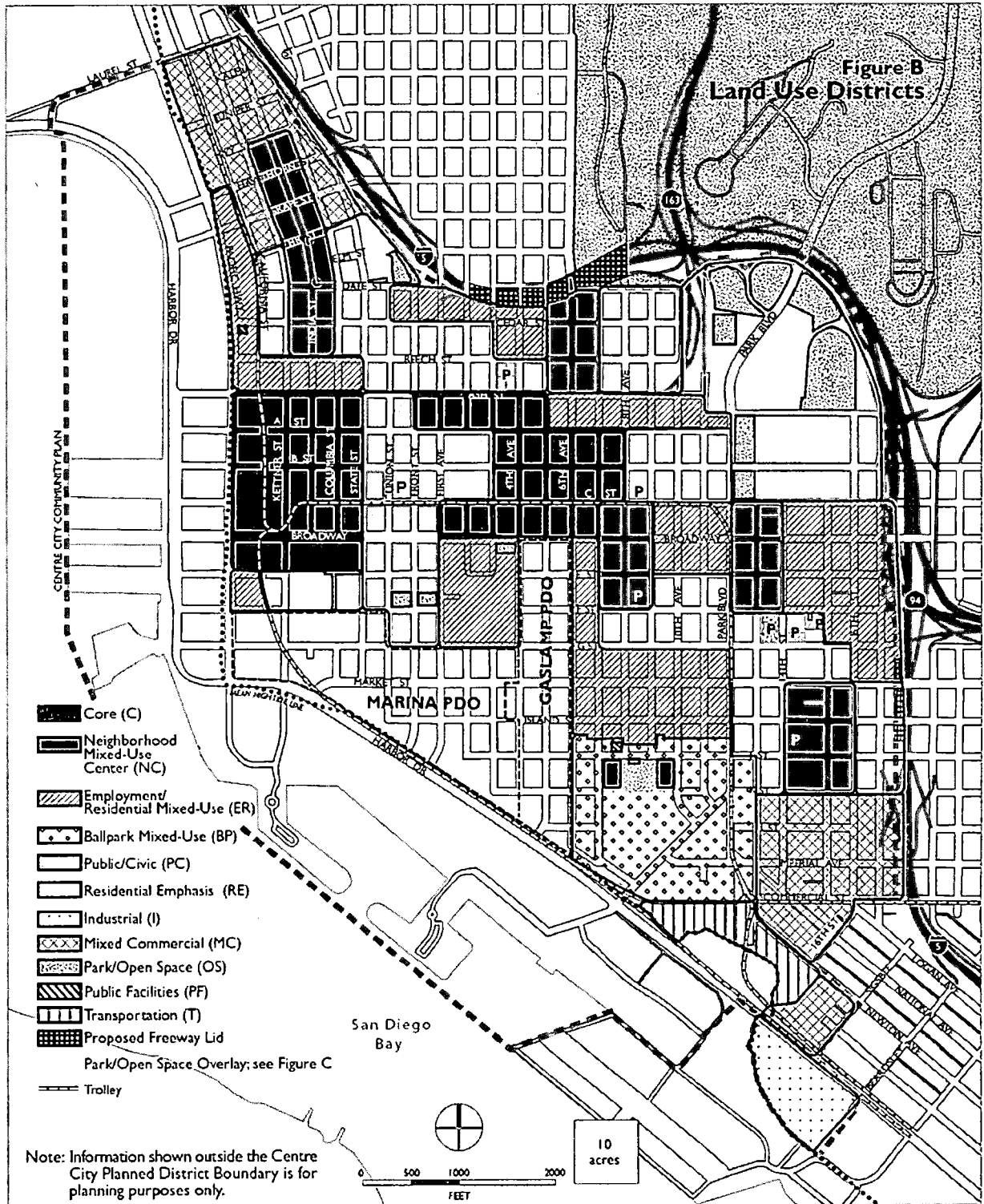


Figure C through Figure H [No change in text.]

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

CLN:nja  
01/16/19  
02/08/19 Cor. Copy  
Or. Dept: DSD  
Doc. No.: 1910181\_2

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 \_\_\_\_\_, 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 City Ready, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21053</u>