

ORDINANCE NUMBER O- 21087 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 21 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING APPROXIMATELY 40 ACRES LOCATED IN THE MARINA NEIGHBORHOOD OF THE DOWNTOWN COMMUNITY PLAN AREA FROM THE MARINA PLANNED DISTRICT TO THE CENTRE CITY PLANNED DISTRICT RESIDENTIAL EMPHASIS (RE), EMPLOYMENT/RESIDENTIAL MIXED USE (ER), AND PARK/ OPEN SPACE ZONES (OS) AND REPEALING ORDINANCE NOS. O-16609, O-16846, AND O-17123 ADOPTED ON MARCH 17, 1986, APRIL 20, 1987 AND AUGUST 1, 1988, OF ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

ITEM # 52 f
6/18/19

WHEREAS, the City of San Diego wishes to repeal the establishment of the Marina Planned District within the Downtown Community Plan area and subject the area within the Marine Planned District to the Centre City Planned District land use and development regulations to establish greater consistency in the land use and development regulations within the Downtown Community Plan area; and

WHEREAS, Ordinance No. 21083, which was considered along with this Ordinance, proposes adopt an amendment to the Downtown Community Plan; and

WHEREAS, Ordinance No. 21086, which was considered along with this Ordinance, repeals the Marina Planned District Ordinance; and

WHEREAS, the rezoning of the properties within the existing Marina Planned District to the zones within the Centre City Planned District as set forth in San Diego Municipal Code Chapter 15, Article 6, Division 3 will be consistent with the designations set forth in the amendment to the Downtown Community Plan; and

WHEREAS, the matter was set for public hearing on June 4, 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 City Council of the City of San Diego, as follows:

Section 1. That, notwithstanding San Diego Municipal Code sections 112.0509, 123.0105, 123.0107, and 123.0108, which provides for a Planning Commission hearing or recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this Ordinance.

Section 2. That the approximately 40 acres located in the Downtown Community Planning Area and legally described as the parcels shown in Exhibit A, with a copy on file in the office of the City Clerk as Document No. OO- 21087 within the Downtown planning area, in the City of San Diego, California, and as shown on City Map No. B-4342 on file in the office of the City Clerk are rezoned from the Marina Planned District 80% Residential/20% Non-Residential, Hotel Use, Hotel/Residential Mixed Use, and Public Open Space or Institutional Use Zones to the Centre City Planned District Residential Emphasis, Employment/Residential Mixed Use, and Park/Open Space Zones as the zones are described and defined in San Diego Municipal Code Chapter 15, Article 6, Division 3.

Section 3. That Ordinance Nos. O-16609, O-16846, and O-17123 adopted on March 17, 1986, April 20, 1987 and August 1, 1988, 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 passage, a written or printed copy having been made available to the City Council and the public prior to the day of its 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 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 not until at least thirty days have passed from the final date of passage, or the date that O- 21086 repealing the Marina Planned District 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- 21086 repealing the Marina Planned District 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 O- 21086 repealing the Marina Planned District 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.

Section 6. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless 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
05/17/2019
Or.Dept:Civic San Diego
Doc. No.: 2004872

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 18 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 6/21/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT A

LIST OF ASSESSOR PARCEL NUMBERS

5357004704	5350550621	5350550540	5357005358
5353471832	5350661607	5350661411	5357005237
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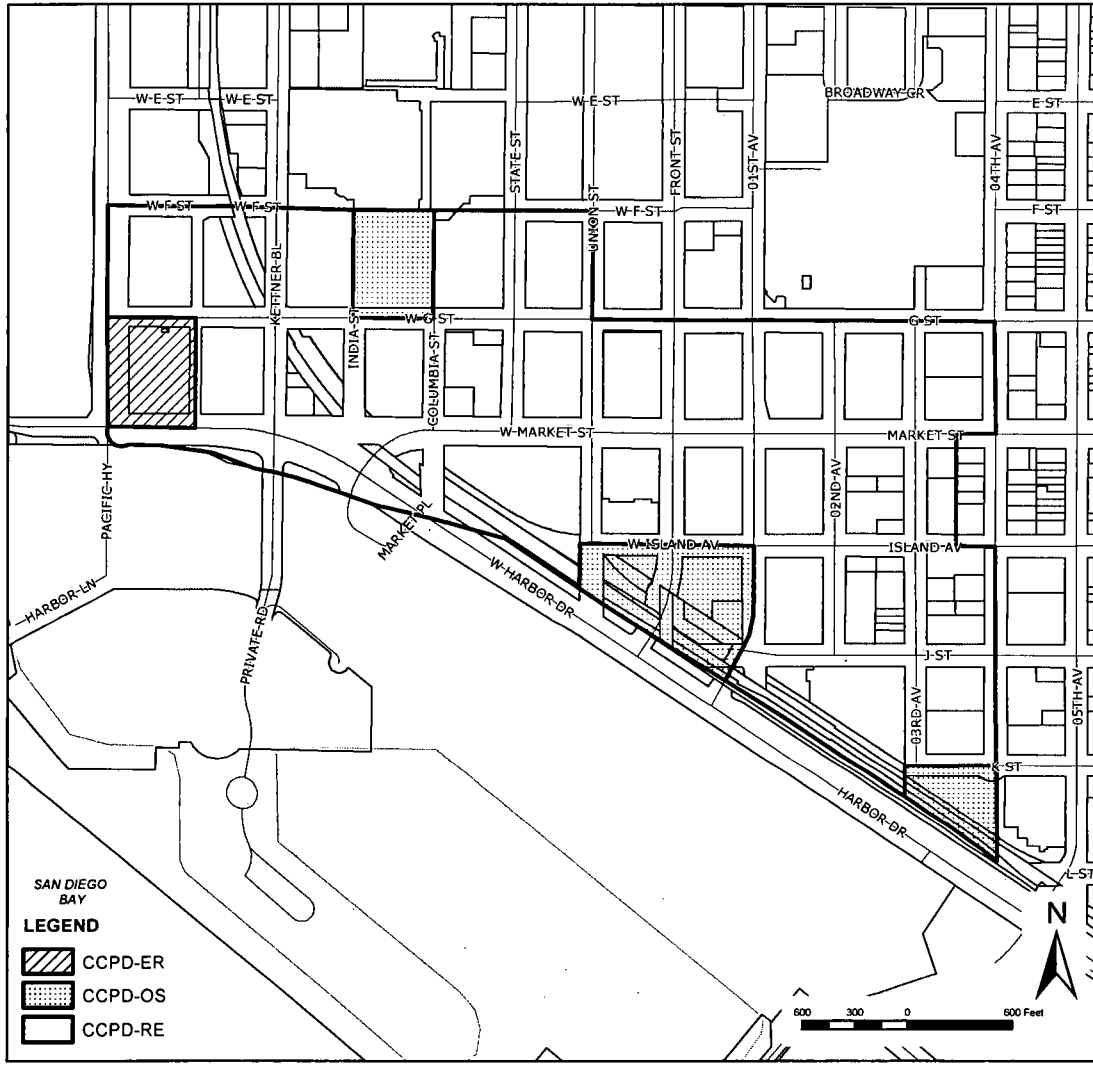
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CITY OF SAN DIEGO • DEVELOPMENT SERVICES
PROPOSED REZONING



CENTRE CITY PDO (CCPDO)		CASE NO.
ORDINANCE NO. _____	REQUEST CCPD-RE, CCPD-OS & CCPD-ER	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD _____	PLANNING COMM. RECOMMENDATION	B-4342
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	(194-1713) 5-7-19 LDJ
BEFORE DATE _____		
EFF. DATE ZONING _____		
MAP NAME AND NO. _____		

Passed by the Council of The City of San Diego on JUN 18 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" 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 JUN 21 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 Atty Ready for Connie Patterson, 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 04 2019, and on JUN 21 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 Atty Ready for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21087