

ORDINANCE NUMBER O- 21115 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 09 2019

ITEM # 586
8/6/19

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 123.0203, RELATING TO APPEALS FROM HISTORICAL RESOURCES BOARD DECISIONS.

WHEREAS, the City desires to amend the procedures for withdrawing appeals from Historical Resources Board decisions; and

WHEREAS, this amendment would allow appellants to withdraw appeals prior to the public hearing before the City Council; and

WHEREAS, no public hearing on an appeal will be conducted by the City Council if the appellant withdraws an appeal; and

WHEREAS, this Ordinance is intended to apply retroactively; NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 12, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 123.0203, to read as follows:

§123.0203 Appeal From Historical Resources Board Decision

(a) through (b) [No change in text.]

(c) The appellant may withdraw an appeal at any time prior to the commencement of the public hearing before the City Council. The withdrawal of the appeal must be in writing and filed with the City Clerk. If the appellant withdraws an appeal, no appeal hearing will be conducted. The withdrawal of an appeal does not entitle the appellant to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

Section 2. That this Ordinance will apply retroactively to any appeals from Historical Resources Board decisions to the City Council pending at the date of this ordinance's final passage.

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. Prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

If the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, 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.

If the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

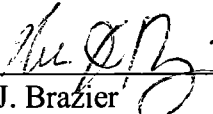
If the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as

amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended 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.

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. The City Council shall hold a second hearing not less than 45 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.

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 that final decision, 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  _____
Noah J. Brazier
Deputy City Attorney

NJB:als
07/01/2019
Or.Dept:Planning Dept.
Doc. No.: 2000913

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 06 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 8/9/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ITEM # 332B
7/23/19

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3,
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 123.0203, RELATING TO APPEALS
FROM HISTORICAL RESOURCES BOARD DECISIONS.

§123.0203 Appeal From Historical Resources Board Decision

(a) through (b) [No change in text.]

(c) The appellant may withdraw an appeal at any time prior to the commencement of the public hearing before the City Council. The withdrawal of the appeal must be in writing and filed with the City Clerk. If the appellant withdraws an appeal, no appeal hearing will be conducted. The withdrawal of an appeal does not entitle the appellant to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

NJB:als
07/01/2019
Or.Dept: Planning Dept.
Doc. No.: 2000896_2

Passed by the Council of The City of San Diego on AUG 06 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2019.

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 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

JUL 23 2019, and on AUG 09 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21115