

ORDINANCE NUMBER O- 21224 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 12 2020

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 156.0310 AND BY AMENDING FIGURES F AND G, RELATING TO CENTRE CITY PLANNED DISTRICT.

WHEREAS, on June 4, 2019, the City Council held a public hearing and approved amendments to the Municipal Code (the Amendments), to implement the terms of the settlement agreement resulting from *Murtaza Baxamusa and San Diego County Building and Trades Council, AFL-CIO v. Civic San Diego and City of San Diego and San Diegans for Open Government v. Civic San Diego and City of San Diego*; and

WHEREAS, the Amendments included returning planning and permitting functions within the Downtown area from Civic San Diego to the City, merging the Marina Planned Development Ordinance (PDO) into the Centre City PDO, and bringing review processes into consistency with City-wide review processes; and

WHEREAS, on March 12, 2020, the California Coastal Commission (CCC) approved staff recommendation to conditionally certify the Amendments within the Coastal Overlay Zone, subject to the modifications summarized as follows:

1. Eliminate mapping errors to ensure that the floor area ratio and building height regulations are consistent between the Downtown Community Plan (DCP) and the Centre City Planned District Ordinance (CCPDO);
2. Ensure that view corridor requirements along Kettner Boulevard and G Street in the CCPDO are consistent with the DCP; and
3. Eliminate references in the DCP to the Marina PDO, which was repealed.

WHEREAS, the matter was set for public hearing on July 21, 2020, 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 Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0310 and by amending Figures F and G, to read as follows:

§156.0310 Development Regulations

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

(d) **Building Bulk.** Building bulk is divided into three main areas of the building: the *building base*, the *mid-zone*, and the *tower*. The *mid-zone* shall be applicable only in the areas within the Large Floorplate and Employment Overlay Districts, as illustrated in Figure C. The *development* standards for building bulk are summarized in Table 156-0310-A:

Table 156-0310-A: Development Standards

[No change in text.]

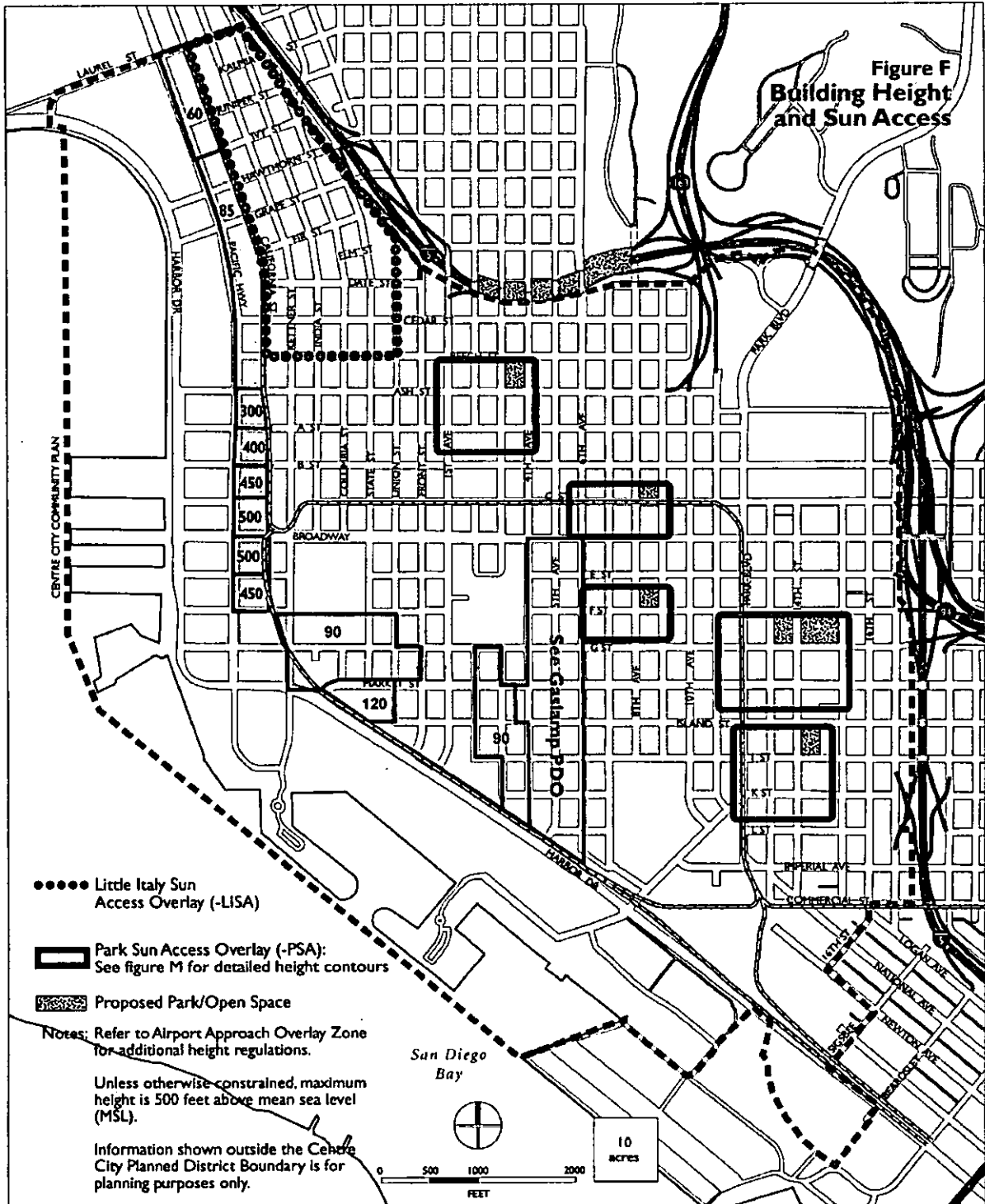
(1) *Building Base*

(A) through (G) [No change in text.]

TABLE 156-0310-B: VIEW CORRIDOR STEPBACKS		
STREET (refer to Figure G for applicable locations)	Required <i>Stepback</i> (Feet)	<i>Stepback</i> Elevation (Feet)
Laurel Street through Pacific Highway	[No change in text.]	
Kettner Boulevard	25	50
Park Boulevard (south of K Street)	[No change in text.]	

Figure A through Figure E

[No change in text.]



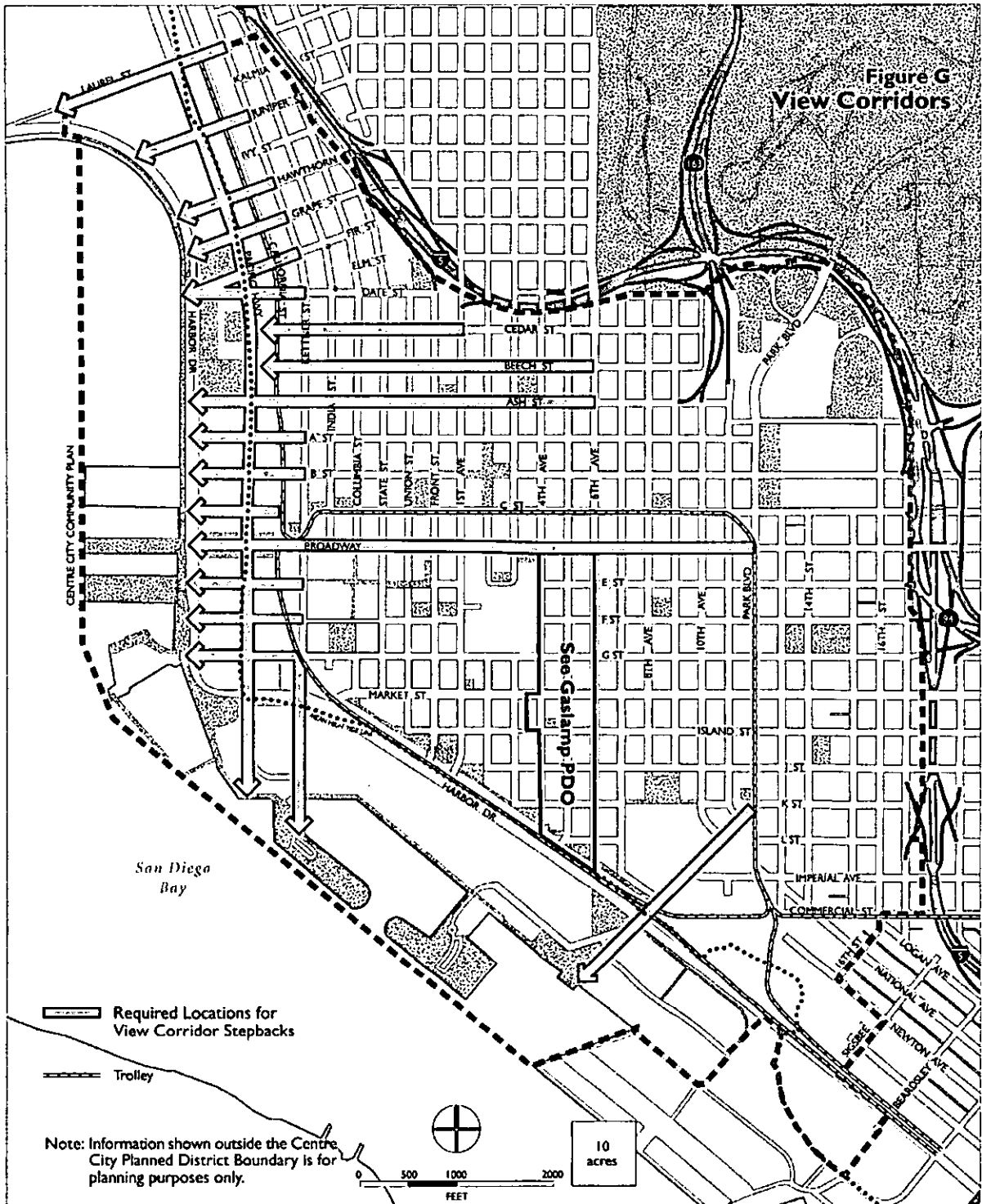


Figure H – [No change in text.]

Figure J through Figure N

[No change in text.]

Section 2. That, notwithstanding San Diego Municipal Code sections 111.0107 and 112.0509, which provide for a Planning Commission hearing or recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required for the actions being authorized in this Ordinance.

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 San Diego International Airport (Airport), 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, or on the date that O-21225 adopting the amendments to the Downtown Community Plan becomes effective, whichever date occurs 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.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for the Airport, 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 Airport, 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 on the date that O- 21225 adopting the amendments to the Downtown Community Plan becomes effective, whichever date occurs later, 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.

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. 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.

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 that final decision, or the date that O- 21225 adopting the amendments to the Downtown Community Plan becomes effective, whichever date occurs 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.

Section 5. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance, unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney


NJB:als
06/23/2020
Or.Dept: Smart & Sustainable Communities
Doc. No.: 2383934_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 08/04/2020

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 8/11/20
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 04 2020, 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 AUG 12 2020.

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 Bracy, 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 21 2020, and on AUG 12 2020.

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 Bracy, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21224