

RESOLUTION NUMBER R- 313361

DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING AN AMENDMENT TO THE GENERAL PLAN TO REDESIGNATE PORTIONS OF LAND LOCATED AT 1150 FASHION VALLEY ROAD FROM MULTIPLE USE TO RESIDENTIAL, TO PARK, OPEN SPACE & RECREATION, AND TO COMMERCIAL EMPLOYMENT, RETAIL & SERVICES; AND FROM COMMERCIAL EMPLOYMENT, RETAIL & SERVICES TO RESIDENTIAL; AND AN AMENDMENT TO THE MISSION VALLEY COMMUNITY PLAN TO REDESIGNATE PORTIONS OF LAND FROM OFFICE AND VISITOR COMMERCIAL TO RESIDENTIAL AND TO POTENTIAL PARK/OPEN SPACE DESIGNATION, RELATED TO THE RIVERWALK PROJECT.

WHEREAS, SD Riverwalk LLC, a Delaware Limited Liability Company and the San Diego Metropolitan Transit, Public Agency, requested an amendment to the General Plan to change the designated land uses for the property located at 1150 Fashion Valley Road on Figure LU-2 (*General Plan Land Use and Street System*) from Multiple Use to Residential, to Park, Open Space & Recreation, and to Commercial Employment, Retail & Services; and from Commercial Employment, Retail & Services to Residential; and an amendment to the Mission Valley Community Plan to change the designated land uses from Office and Visitor Commercial to Residential and to Potential Park/Open Space Designation; and

WHEREAS, the site is legally described as: Parcel 1: (APN #437-240-03, 26 & 27) That portion of Pueblo Lot 1104 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State Of California, according to miscellaneous Map No. 36, filed in the Office of the County Recorder of San Diego County November 14, 1921, lying southerly of the southerly boundary of those portions of Friars Road as described in Deed to the City of San Diego, recorded December 12, 1968 as file No. 217429 of official records; Parcel 2: (APN#437-240-28

& 29) Lot 1 of Pueblo Lot 1105, in the City Of San Diego, County of San Diego, State Of California, according to Referee's Partition Map thereof made in the action entitled "Thomas J. Daley vs. Arpad Haraszthy, ET AL.", under Superior Court Civil Case No. 1029 on file in the Office of the County Clerk of San Diego County; Excepting therefrom that portion lying Southerly of the Northerly Boundary of land described in Deed to the State of California Recorded October 27, 1955 In Book 5846, Page 414 of Official Records; Parcel 3: (APN#436-611-06, 29 & 30; and 436-650-14) Ten acre Lots 3 and 4 of the subdivision of Pueblo Lot 1103, according to the plan of lots in Mission Valley belonging to Joseph Reiner and Recorded January 28, 1858 in Book 1, Page 184 of Deeds of San Diego County and that portion of Pueblo Lot 1103 of the Pueblo Lands of San Diego according to miscellaneous Map No. 36, Filed in the Office of the County Recorder of San Diego County November 14, 1921 lying Northerly of said 10 acre Lots 3 and 4 and lying Easterly of the Easterly Line of what is now known as Goshen Street as shown on Bayview Addition, according to Map thereof No. 271, filed in the Office of the County Recorder of San Diego County, July 23, 1887; Excepting therefrom those portions lying Northerly of the Southerly boundary of Friars Road as described in Deed to the City of San Diego, recorded December 12, 1968, as File No. 217429 of Official Records; and

WHEREAS, under Charter section 280(a)(2) this resolution 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, on October 22, 2020, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan and the Mission Valley Community Plan; and

WHEREAS, on November 17, 2020, the City Council of the City of San Diego held a public hearing for the purpose of considering amendments to the General Plan and the Mission Valley Community Plan; and

WHEREAS, the City Council found, based on its hearing record, that the proposed Mission Valley Community Plan amendment is consistent with and implements the City of San Diego's General Plan; that the proposed plan amendment helps achieve long-term community and citywide goals; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the General Plan and the Mission Valley Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR- 313361.

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

That if the SDCRAA finds this resolution consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport and Montgomery Field (collectively Airports), this resolution shall take effect after the finding of consistency, or upon its final passage, or the date that O- 21263, adopting the Riverwalk Specific Plan becomes effective, whichever is later.

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

That if the SDCRAA determines that this resolution 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 resolution as amended shall take effect after the finding of consistency, or upon its final passage, or the date that O- 21263, adopting the Riverwalk Specific Plan becomes effective, whichever is later.

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 California 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 resolution shall take effect upon final passage, or the date that O- 21263, adopting the Riverwalk Specific Plan becomes effective, whichever is later.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Deputy City Attorney

CLN:als
10/29/2020
Or.Dept:DSD
Doc. No.: 2515667

Passed by the Council of The City of San Diego on 11/17/2020, by the following vote:

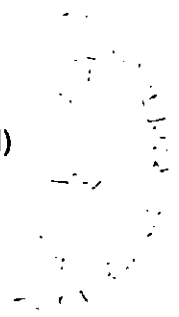
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 17 2020.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)


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 , Deputy

Office of the City Clerk, San Diego, California

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