



NOTICE OF CITY COUNCIL PUBLIC HEARING

DATE OF MEETING: TUESDAY, OCTOBER 26th, 2021
TIME OF MEETING: 2:00 PM
PLACE OF MEETING: COUNCIL CHAMBERS, 12th FLOOR,
CITY ADMINISTRATION BUILDING,
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

PROJECT TYPE: MUNICIPAL CODE AMENDMENT AND LOCAL COASTAL PROGRAM
AMENDMENT - PROCESS FIVE

PROJECT NAME: SPACES AS PLACES (OUTDOOR DINING)

APPLICANT: CITY OF SAN DIEGO, PLANNING DEPARTMENT

**COMMUNITY
PLAN AREA:** CITYWIDE

COUNCIL DISTRICT: CITYWIDE

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
Sameera Rao, Project Manager, srao@sandiego.gov

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following project:

The Spaces as Places program proposes code amendment to the Land Development Code and Local Coastal Program including, but not limited to, the following code sections:

Chapter 12, Article 9, Division 7; Chapter 14, Article 1, Division 6; Chapter 13, Article 1, Division 2; Chapter 13, Article 1, Division 3; Chapter 13, Article 1, Division 4; Chapter 13, Article 1, Division 5; Chapter 13, Article 1, Division 6; Chapter 13, Article 1, Division 7; Chapter 14, Article 2, Division 6; Chapter 12, Article 6, Division 2; Chapter 12, Article 6, Division 7; Land Development Manual (Spaces as Places Design Manual), and any other provisions necessary to implement the Spaces as Places program.

"Spaces as Places" is the City of San Diego's proposed program to transition temporary outdoor spaces, which were allowed to replace indoor capacity in response to the significant restrictions on indoor operations during the COVID-19 pandemic, to permanent places that safely bring people together to dine, play and gather in public spaces. The Spaces as Places program includes a menu of options to allow for the creation of a variety of quality outdoor places for dining, walking, biking, public artwork, and other enjoyable public interaction for the post-pandemic world.

While originally conceived as an emergency response to the pandemic, outdoor dining proliferated for over the past year, often in ways that have resulted in more active and enjoyable use of public spaces not previously experienced prior to the pandemic. In response to this, Spaces as Places is intended to provide permanent options for outdoor dining that simultaneously provide flexibility for business owners to use the public right-of-way while contributing to the enjoyment of the public space, and increasing opportunities for more enjoyable pedestrian travel. Spaces as Places is proposed for the post-pandemic world when restaurants can function at full capacity indoors and outdoor dining would represent an expansion of a restaurant's seating capacity into the outdoors, to enhance the overall public experience within the public right-of-way. A fee for the exclusive use of the public right-of-way and the application of existing development impact fees is proposed to ensure that the public right-of-way will be enhanced in ways that will facilitate its successful use by private businesses. Specifically, the fee would be charged to businesses that operate within the public right-of-way and would be used to fund improvements that enhance the safe and enjoyable use of the surrounding public spaces. It is anticipated that at least 50 percent of this funding source would be used to support businesses and make right-of-way improvements in traditionally underserved communities so that the benefits of Spaces as Places can be enjoyed equitably across the City.

Spaces as Places includes regulations and design standards to allow for the activation of the public right-of-way in a manner that ensures public health and safety and a resolution adopting a fee for the exclusive use of the public right-of-way and applying development impact fees.

The City of San Diego conducted an environmental review under the California Environmental Quality Act (CEQA) and determined that the Spaces as Places program is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c)(Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304(h)(Minor Alterations to Land), and 15311 (Accessory Structures). An exception to the exemptions as listed in CEQA Guidelines Section 15300.2 would not apply. The Spaces as Places program is also consistent with the Final Program Environmental Impact Report for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003) certified by the San Diego City Council on November 9, 2020 (Resolution R-313279). This activity is a subsequent discretionary action and is not a separate project for the purposes of CEQA review pursuant to CEQA Guidelines Sections 15378(c) and 15060(c)(3). Pursuant to CEQA Statute Section 21166 and CEQA Guidelines

Section 15162, there is no change in circumstance, additional information, or project changes to warrant additional environmental review for this action.

Items in the Spaces as Places package regarding the Airport Overlay Zone would be consistent with the Airport Land Use Compatibility Plan (ALUCP) FEIRs for the San Diego International Airport (SDIA), the Naval Air Station North Island (NASNI).

The decision to adopt, modify, or not adopt the ordinance will be made by the City Council at a future public hearing. You will also receive a separate notice of public hearing provided 10 business days prior to the City Council hearing. Following City Council action, the City will submit the Spaces as Places package to the Airport Land Use Commission for a consistency determination. The code amendments will not be effective until the Airport Land Use Commission determines the ordinance is consistent with adopted ALUCPs, or the City processes an overrule.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

Notice of Availability of Local Coastal Program Amendment:

The ordinance could apply to property located in the Coastal Zone; therefore, the City Council's decision requires amending the City's Local Coastal Program. The final decision by the City Council will occur no sooner than six weeks after the date of mailing of this notice. The final decision on the portions of this ordinance that are the City's Local Coastal Program will be with the California Coastal Commission. The City of San Diego will submit the 2020 Code Update package to the California Coastal Commission for certification following City Council and Airport Land Use Commission action. The ordinance will not be effective in the coastal zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the City of San Diego Planning Department, Attention: Sameera Rao, Project Manager, 9485 Aero Drive, MS 413, San Diego, CA 92123 or srao@sandiego.gov before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice or written in correspondence to the City at or before the public hearing.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five business days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

The decision of the City Council is final.

COVID-19 STATE OF EMERGENCY COMMUNICATIONS

Until further notice, City Council meetings will be conducted pursuant to the provisions of California Government Code section 54953(b), as amended by Assembly Bill 361 effective September 16th, 2021, which suspends certain requirements of the Ralph M. Brown Act during a proclaimed state of emergency when measures to promote social distancing are in effect or the City Council has determined meeting in person would present imminent risks to the health or safety of attendees.

During the State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, most, if not all, City Council members will be participating in the City Council meetings via a virtual teleconference platform. There will be no members of the public in attendance at the City Council meetings. We are providing alternatives to in-person attendance for participating in City Council meetings.

Members of the public may provide public comment via telephone or ZOOM platform during the October 26th, 2021, City Council meeting. Instructions for providing virtual testimony will be posted on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results> prior to the hearing, and on the meeting agenda. The amount of time allotted for each speaker will be determined in the discretion of the chair, who will generally allow between one and three minutes per speaker depending on the number of speakers in the queue for that item. Any changes to the format of City Council meetings during the proclaimed State of Emergency can be found on the City Clerk's website (<https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results>) as well.

Comments may also be submitted electronically using the City Clerk [webform](https://www.sandiego.gov/form/agenda-comment-form) at <https://www.sandiego.gov/form/agenda-comment-form> by indicating the agenda item number for which you wish to submit your comment. Comments submitted using this form will be distributed to the City Council and made a part of the record but will not be read into the record. Please note that electronic comments submitted using this form are limited to 500 words, but attachments are allowed. If the size limitations are met please send materials to cityclerk@sandiego.gov.

Additionally, you may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-4806, Mail Station 2A; OR you can reach us by **FAX: (619) 533-4045**. All communications will be forwarded to the Mayor and Council.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Time Warner Cable or Channel 99 for AT&T, or view the meetings online, located at http://sandiego.granicus.com/player/camera/5?publish_id=1648.

In accordance with the Brown Act, the agenda will be posted 72 hours in advance of the City Council meeting. Please refer to the City Clerk's website to view the agenda, and for further instruction and applicable deadlines for submitting public comment or written materials.

If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing.

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or via email cityclerk@sandiego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Notice Date: 10-11-2021, 10-18-2021

**ELIZABETH MALAND
SAN DIEGO CITY CLERK**