



# CITY OF SAN DIEGO

## NOTICE OF CITY COUNCIL PUBLIC HEARING

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**DATE OF MEETING:** MONDAY, DECEMBER 13<sup>th</sup>, 2021  
**TIME OF MEETING:** 2:00 PM  
**PLACE OF MEETING:** VIRTUAL HEARING  
COUNCIL CHAMBERS, 12<sup>th</sup> FLOOR,  
CITY ADMINISTRATION BUILDING,  
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

**PROJECT TYPE:** MUNICIPAL CODE AND LOCAL COASTAL PROGRAM  
AMENDMENTS

**PROJECT NAME:** 2021 CODE UPDATE

**APPLICANT:** CITY OF SAN DIEGO

**COUNCIL DISTRICT:** CITYWIDE

**FOR ADDITIONAL INFORMATION, PLEASE CONTACT**  
Renee Mezo, Project Manager, (619) 236-6033/ [rmezo@sandiego.gov](mailto:rmezo@sandiego.gov)

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**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:**

This project consists of the 2021 Code Update and the adoption and certification of the 14<sup>th</sup> Street Promenade Master Plan (2016) and the E Street Greenway Master Plan (2021). The 2021 Code Update is part of the code monitoring work program created to help maintain the Land Development Code (LDC), simplify the City's development regulations, make the code more adaptable, eliminate redundancies and contradictions, standardize the code framework, and increase predictability in application of regulations. The proposed amendments streamline regulatory requirements, reduce constraints, and provide additional incentives to increase the supply of housing. This item consists of two ordinances citywide as well as a resolution for the adoption of the two master plans in the Centre City Planned District Ordinance.

The issue items in the 2021 Code Update are separated into three categories: regulatory reforms; compliance with state law; and corrections/clarifications. The topics of the amendments relate mainly to the following areas of the Land Development Code: Housing and Housing Incentives, Environmentally Sensitive Lands, Noticing, Building Heights, Development Impact Fees, Refuse Regulations, La Jolla Shores, Centre City and Old Town Planned Districts, Childcare Facilities, Artisan Food uses, Incompatible adult entertainment uses within the EMX Zone, Community Gardens, Parking/Mobility, Outdoor lighting, and Fiber Optics. The following chapters are proposed to be amended but other chapters could be included to ensure consistency and to achieve the intent of the amendments in the above listed topic areas:

Chapter 11, Article 2, Division 3; Chapter 11, Article 2, Division 6; Chapter 11, Article 3, Division 1; Chapter 11, Article 3, Division 2; Chapter 12, Article 5, Division 3; Chapter 12, Article 6, Division 4; Chapter 12, Article 6, Division 1; Chapter 12, Article 9, Division 7; 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 13, Article 2, Division 12; Chapter 13, Article 2, Division 14; Chapter 14, Article 1, Division 1; Chapter 14, Article 1, Division 2; Chapter 14, Article 1, Division 3; Chapter 14, Article 2, Division 5; Chapter 14, Article 2, Division 6; Chapter 14, Article 2, Division 7; Chapter 14, Article 2, Division 8; Chapter 14, Article 2, Division 10; Chapter 14, Article 2, Division 13; Chapter 14, Article 3, Division 1; Chapter 14, Article 3, Division 2; Chapter 14, Article 3, Division 4; Chapter 14, Article 3, Division 7; Chapter 14, Article 3, Division 10; Chapter 14, Article 3, Division 11; Chapter 14, Article 3, Division 12; Chapter 15, Article 6, Division 3; Chapter 15, Article 10, Division 1; and Chapter 15, Article 10, Division 3; and Chapter 15, Article 16, Division 1.

For additional information you can visit the 2021 Code Update website at <https://www.sandiego.gov/planning/programs/lcd-updates>

The Environmental Policy Section of the Planning Department has reviewed the 2021 Update to the Land Development Code and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified Environmental Impact Report (EIR) for the Land Development Code EIR No. 96-0333/SCH No. 96081056; the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2020 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on June 18, 2020, Resolution No. R-313099; the 2021 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Recreation Element Update, certified by the City Council on August 3, 2021, Resolution No. R-313686; the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on

February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Amendments are also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency.

A portion of the amendments would 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 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 must submit the Local Coastal Program portion of this amendment for certification to the California Coastal Commission. The amendments are not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendments.

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: Renee Mezo, Project Manager, 9485 Aero Drive, MS 413, San Diego, CA 92123 or [rmezo@sandiego.gov](mailto:rmezo@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.

**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(e), as amended by Assembly Bill 361 effective September 16<sup>th</sup>, 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 December 13<sup>th</sup>, 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 \(https://www.sandiego.gov/city-clerk/officialdocs/council-agendas-minutes-results\)](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](mailto: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](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](mailto:cityclerk@sandiego.gov). The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

**Notice Date: ELIZABETH MALAND  
November 29<sup>th</sup>, 2021**

**SAN DIEGO CITY CLERK**