

ORDINANCE NUMBER O- 20796 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 07 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 21.2 ACRES LOCATED EAST OF THE INTERSECTION OF AIRWAY ROAD AND CALIENTE AVENUE AND SOUTH OF STATE ROUTE 905, WITHIN THE OTAY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 ZONE TO THE RM-2-6 AND OR-1-2 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 13 ARTICLE 1 DIVISIONS 2 AND 4; AND REPEALING ORDINANCE NO. O-10862 (NEW SERIES), ADOPTED JULY 29, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Southview Development Partners, LP, Applicant, requested a rezone for the purpose of changing 21.2 acres, located east of the intersection of Airway Road and Caliente Avenue, and south of State Route 905, and legally described as the remainder lot of Southview, Map No. 15984, dated July 16, 2014, in the Otay Mesa Community Plan area, in the City of San Diego, California, from the AR1-1 zone to the RM-2-6 and OR-1-2 zones, as shown on Zone Map Drawing No. B-4318, on file in the Office of the City Clerk as Document No. OO- 20796 (Rezone No. 1299346); and

WHEREAS, on December 1, 2016, the Planning Commission of the City of San Diego considered Rezone No. 1299346, and voted 7-0 to recommend City Council approval of Rezone No. 1299346; and

WHEREAS, the matter was set for public hearing on FEB 07 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under Charter section 280(a)(2), this ordinance 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 evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

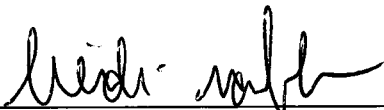
Section 1. That 21.2-acre site located east of the intersection of Airway Road and Caliente Avenue and south of State Route 905, and legally described as the remainder lot of Southview, Map No. 15984, dated July 16, 2014, in the Otay Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4318, filed in the office of the City Clerk as Document No. OO- 20796, is rezoned from the AR-1-1 zone to the RM-2-6 and OR-1-2 zones, as the zones are described and defined by San Diego Municipal Code Chapter 13 Article 1 Divisions 2 and 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-10862 (New Series), adopted July 29, 1972 of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this Ordinance shall be issued.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja  
12/16/16  
Or.Dept: DSD  
Doc. No.: 1409594

Passed by the Council of The City of San Diego on MAR 07 2017, 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"/>
Lorie Zapf	<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"/>
Myrtle Cole	<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"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2017

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 [Signature], 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 FEB 07 2017, and on MAR 07 2017

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 [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20796