

ORDINANCE NUMBER O- 21081 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 18 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 11.25 ACRES LOCATED AT THE SOUTHEAST CORNER OF THE CALIENTE AVENUE AND OTAY MESA ROAD INTERSECTION AND NORTH OF STATE ROUTE (SR) 905, WITHIN THE OTAY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-1-3 TO THE RM-2-5 ZONE; AND REPEALING ORDINANCE NO. O-18063 (NEW SERIES), ADOPTED APRIL 25, 1994, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

ITEM # 51
6/18/19

WHEREAS, Pardee Homes, a California Corporation, requested Rezone No. 2152398 to rezone approximately 11.25 acres of land, including portions of public right-of-way, in the Otay Mesa Community Plan area located at the southeast corner of the Caliente Avenue and Otay Mesa Road intersection and north of State Route (SR) 905 (Property) from the CC-1-3 Commercial-Community to the RM-2-5 Residential Medium zone, as shown on Zone Map Drawing No. B-4341, filed in the Office of the City Clerk as Document No. OO- 21081; and

WHEREAS, 9.2-acres of the Property is legally described as Parcel 1: All that portion of the northwest quarter of the northwest quarter of Section 32, Township 18 South, Range 1 West, San Bernardino Base and Meridian in the City of San Diego, County of San Diego, California according to the official plat thereof, described as follows: Beginning at the northwest corner of said Section 32, thence along the westerly line of said Section 32, south 00°18'24" west 348.92 feet; thence south 61°46'14" east 309.64 feet; thence south 72°16'59" east 1107.21 feet to an intersection with the easterly line of said northwest quarter of the northwest quarter of said Section 32; thence along said easterly line north 00°26'17" east 804.78 feet to an intersection

with the northerly line of said section 32; thence along said northerly line north 88°48'52" west 1332.08 feet to the point of beginning; Parcel 2: That portion of the west one-half of the northwest quarter of Section 32, Township 18 south, Range 1 west, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof, more particularly described as "Parcel 2" quitclaim deed to Rancho Villa Apartments No. 2 LLC, recorded on June 24, 2002 as DOC #2002-0530243 in the Office of the County Recorder of said County; and

WHEREAS, the remaining 2.05-acres of the Property consists of portions of public right-of-way; and

Whereas, on April 11, 2019, the Planning Commission voted to recommend City Council approval of Rezone No. 2152398; 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;

WHEREAS, the matter was set for a public hearing on June 4, 2019, 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:

1. That the Property is rezoned from the CC-1-3 to the RM-2-5 zone, as the zone is described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4 and that

this action amends the Official Zoning Map adopted by Resolution No. R-301263 on March 14, 2006.

2. That Ordinance No. O-18063 (New Series), adopted April 25, 1994, is repealed insofar as the same conflicts with the rezoned uses of the Property.

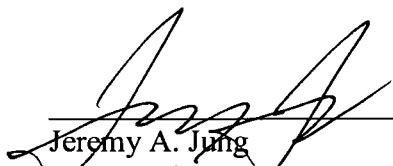
3. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

4. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, or the date that resolution no. R- 312500 amending the General Plan and the Otay Mesa Community Plan becomes effective, whichever date occurs later.

5. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless an application was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jeremy A. Jung
Deputy City Attorney

JAJ:als
05/16/2019
Or.Dept:DSD
Doc. No.: 2007312

Passed by the Council of The City of San Diego on JUN 18 2019, 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 JUN 18 2019

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 Connie Patterson, 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

JUN 04 2019, and on JUN 18 2019

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21081</u>