

206 A
(O-2020-81) 4/7/2020

ORDINANCE NUMBER O- 21182 (NEW SERIES)

DATE OF FINAL PASSAGE APR 09 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.50 ACRES LOCATED AT 5255 MOUNT ETNA DRIVE, WITHIN THE CLAIREMONT MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CO-1-2 ZONE INTO THE RM-3-9 ZONE AND REPEALING ORDINANCE NO. O-8478, ADOPTED JUNE 27, 1961, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

WHEREAS, on March 13, 2019, the County of San Diego submitted a Community Plan and General Plan Amendment, San Diego Municipal Code and Local Coastal Program Amendment, and Rezone Project (Project) application to the Development Services Department and requested to rezone 4.50 acres of land located at 5255 Mount Etna Drive, within the Clairemont Mesa Community Plan area, from the CO-1-2 (Commercial-Office) zone into the RM-3-9 (Residential-Multiple Unit) zone; and

WHEREAS, the Project would allow for future residential development on surplus County-owned land;

WHEREAS, on January 30, 2020, the Planning Commission of the City of San Diego considered the rezone, and voted 5-0-0 to recommend City Council approval of the rezone; and

WHEREAS, the matter was set for public hearing on March 10, 2020, to be conducted by the City Council of the City of San Diego, 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:

Section 1. That the 4.50 acres of land located at 5255 Mount Etna Drive legally described as Parcel 1 of Parcel Map No. 9284, in the City of San Diego, County of San Diego, State of California, according to the Map thereof filed in the Office of the County Recorder of San Diego County on October 23, 1979, as File No. 79-443936 of official records, in the Clairemont Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4345 filed in the office of the City Clerk as Document No.

OO- 21182 are rezoned from the CO-1-2 zone into the RM-3-9, as the zone is described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-8478 (New Series), adopted June 27, 1961, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

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

Section 4. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for Marine Corps Air Station (MCAS) Miramar and Montgomery Field, this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, the thirtieth day from and after its final passage, or the date that

R- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for MCAS Miramar and Montgomery Field, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for MCAS Miramar and Montgomery Field, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage or the date that R- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs 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 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 Ordinance shall take effect and be in force on the thirtieth day from and after

that final decision or the date that R- 312893 adopting the amendments to the Clairemont Mesa Community Plan becomes effective, whichever date occurs later.

Section 5. That no permit shall be issued for development that is inconsistent with the provisions of this Ordinance unless a complete application for such permit is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
02/20/2020
Or.Dept:DSD
Doc. No.: 2296382

Attachment: Proposed Rezoning Map No. B-4345

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 04/07/2020

ELIZABETH S. MALAND
City Clerk

By /s/ Gil Sanchez
Deputy City Clerk

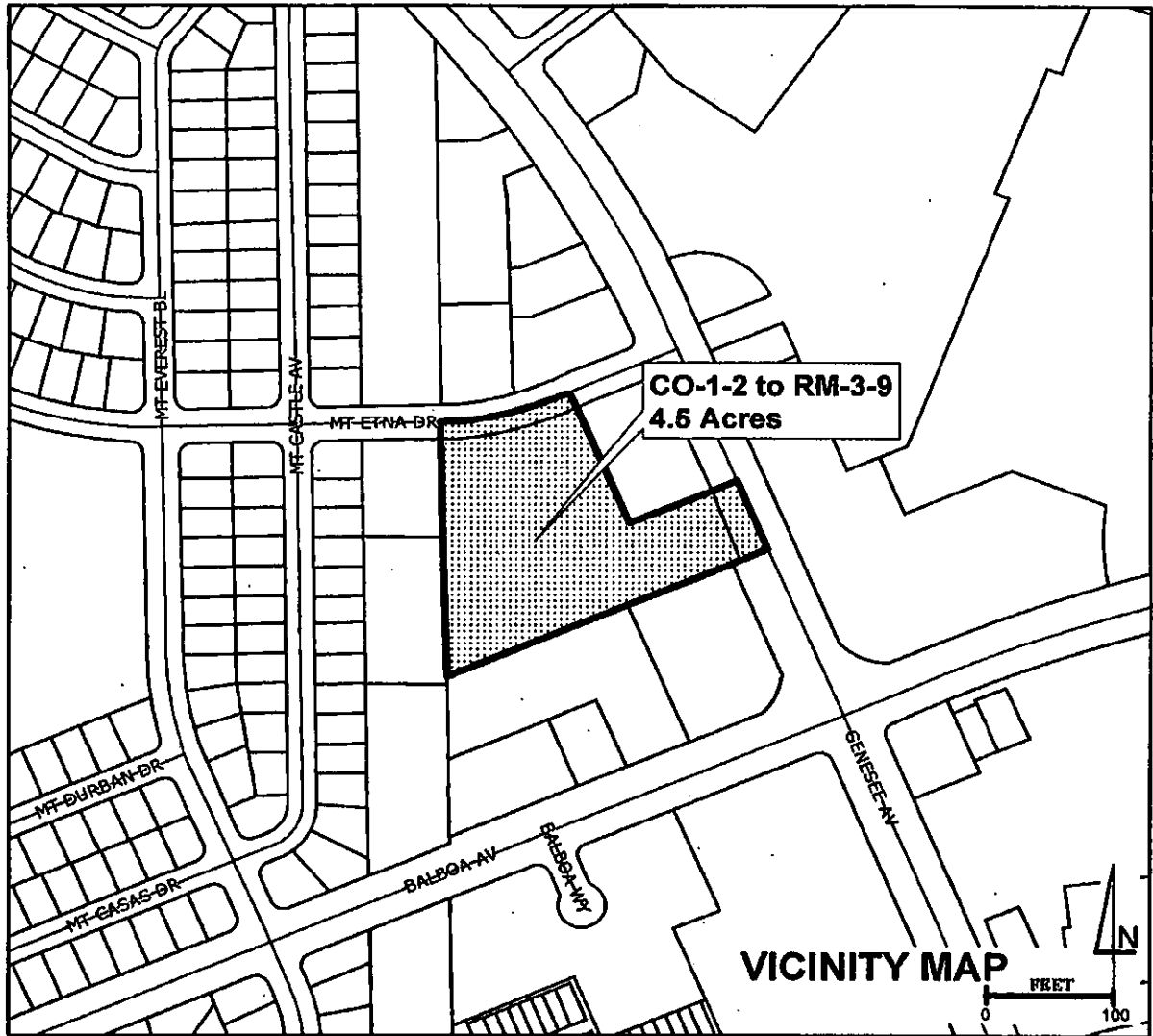
Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 4/9/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

SD CITY OF SAN DIEGO • DEVELOPMENT SERVICES
PROPOSED REZONING



**CO-1-2 to RM-3-9
 4.5 Acres**

VICINITY MAP

PAR 1 / PM 09284

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST RM-3-9
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

CASE NO.
 DEVELOPMENT SERVICES MANAGER
B- 4345
 APN: 381-881-12
 (238-1713)

Drawn by: LIGORPORES and C @dwg/3/04_04_MtEtna_DR0171.dwg Date: 01-02-04



Rezone Exhibit

Mount Etna CPA & Rezone/5255 Mt. Etna Dr.
 PROJECT NO. 628374



Passed by the Council of The City of San Diego on APR 07 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 APR 09 2020

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
for Stacy Ready

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 MAR 10 2020, and on APR 09 2020.

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
for Stacy Ready

Office of the City Clerk, San Diego, California
Ordinance Number O- 21182