

# 53  
10/13

ORDINANCE NUMBER O- 21244 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 13 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING THE ZONING OF 0.46 ACRES, LOCATED AT 10211 RANCHO CARMEL DRIVE WITHIN THE CARMEL MOUNTAIN RANCH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-1-2 (RESIDENTIAL – MULTIPLE UNIT) ZONE INTO THE RM-4-10 (RESIDENTIAL – MULTIPLE UNIT) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; ADDED ON DECEMBER 9, 1997 BY O-18451, AND EFFECTIVE JANUARY 1, 2000.

WHEREAS, NEW POINTE INVESTMENT 46, LLC, requested a rezone of a 0.46-acre site located at 10211 Rancho Carmel Drive, as legally described below, in the Carmel Mountain Ranch Community Plan Area to construct a four-story, 70,595 square-foot, 50-unit multi-family residential building over an existing two-level parking structure; and

WHEREAS, on July 23, 2020, the Planning Commission of the City of San Diego considered and voted 6-0-1 to recommend the Council of the City of San Diego (Council) approve this Rezone No. 2347523 of the property from the RM- 1- 2 Zone (Residential – Multiple Unit) to the RM-4-10 Zone (Residential – Multiple Unit); and

WHEREAS, the matter was set for public hearing on September 29, 2020, with testimony having been heard, evidence having been submitted, and the 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 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 0.46-acres located 10211 Ranch Carmel Drive, and legally described as Lot 18 of Re-subdivision of Carmel Mountain Ranch Units 4 and 36, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12516, filed in the Office of the County Recorder of San Diego, County, December 13, 1989, in the Carmel Mountain Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4351, filed in the office of the City Clerk as Document No. OO- 21244, are rezoned from the RM-1-2 Zone to the RM-4-10 Zone, as the zones are described and defined by San Diego Municipal Code section 131.0406. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. 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.

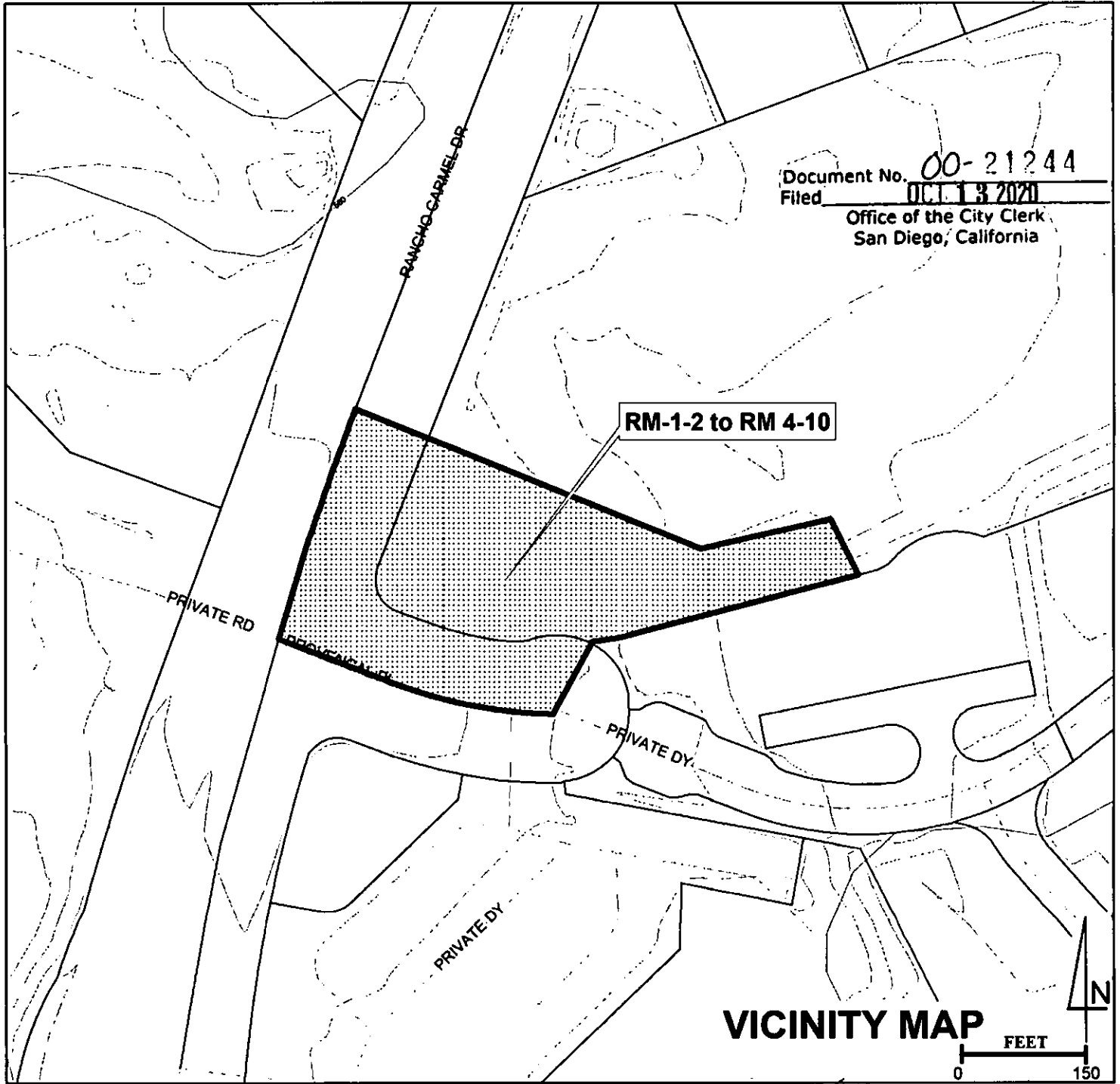
Section 3. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert  
Heather M. Ferbert  
Deputy City Attorney

HMF:soc  
09/09/2020  
Or.Dept:DSD  
Doc. No.:2466868

CITY OF SAN DIEGO • DEVELOPMENT SERVICES  
**PROPOSED REZONING**



**LOT 18 RESUB OF CMR UNITS 4&36**

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

**REQUEST RM 4-10**

**PLANNING COMM.  
 RECOMMENDATION**

**CITY COUNCIL  
 ACTION**

**CASE NO. PTS 637948**

DEVELOPMENT SERVICES MANAGER

**B- 4351**

APN: 313-680-18

(2921740 Idj Date: 6/16/2020

Passed by the Council of The City of San Diego on OCT 13 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 13 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 *Hy Brady*, 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

SEP 29 2020, and on OCT 13 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 *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21244