

#08
12/06/22
(O-2023-75)

ORDINANCE NUMBER O- 21589 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 06 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.46-ACRES LOCATED WITHIN THE OTAY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-1-3 (COMMERCIAL-COMMUNITY) AND AR-1-1 (AGRICULTURAL-RESIDENTIAL) ZONES INTO THE RM-2-5 (RESIDENTIAL-MULTIPLE UNIT) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0507, 131.0303, AND 131.0406; AND REPEALING SAN DIEGO ORDINANCE O-21081 (NEW SERIES), ADOPTED JUNE 18, 2019, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Tri Pointe Homes, applied to rezone the 4.46 acres site from CC-1-3 (Commercial-Community) and AR1-1 (Agricultural-Residential) to RM-2-5 (Residential-Multiple Unit) (collectively the Rezones), in the Otay Mesa Community Plan area; and

WHEREAS, San Diego Resolution R- 314470 (General Plan and Otay Mesa Community Plan Amendments), which was considered along with this ordinance, proposes an amendment to the Otay Mesa Community Plan to redesignate a 4.46-acre site at the southeast corner of Caliente Avenue and Otay Mesa Road from Community Commercial-Residential Prohibited to Residential-Medium 15-29 dwelling units per acre and an amendment to the General Plan to redesignate the site from redesignate the site from Commercial, Employment, Retail & Services to Residential; and

WHEREAS, on September 29, 2022, the Planning Commission of the City of San Diego considered the Rezones, and pursuant to Resolution No. 5211 -PC, voted to recommend the San Diego City Council (City Council) approval of the Rezones; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council;
and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego 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 City 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 4.46 acres located on the southeast corner of Caliente Avenue and Otay Mesa Road, and legally described as Lot 1 of California Terraces – PA61 Map No. 16413 Recorded on August 27, 2020 as File No. 2020-7000258 Official Records, in the Otay Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4362 filed in the office of the City Clerk as Document No. OO- 21589, are rezoned from the CC-1-3 (Commercial-Community) zone and AR-1-1 (Agricultural-Residential) zone into the RM-2-5 (Residential-Multiple Unit) zone, as the CC-1-3, AR-1-1, and RM-2-5 zones are described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 3, Chapter 13 Article 1 Division 4, and Chapter 13 Article 1 Division 5. This action amends the Official Zoning Map adopted by San Diego Resolution R-301263 on March 14, 2006.

Section 2. That San Diego Ordinance O-21081 (New Series), adopted June 18, 2019, 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 passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

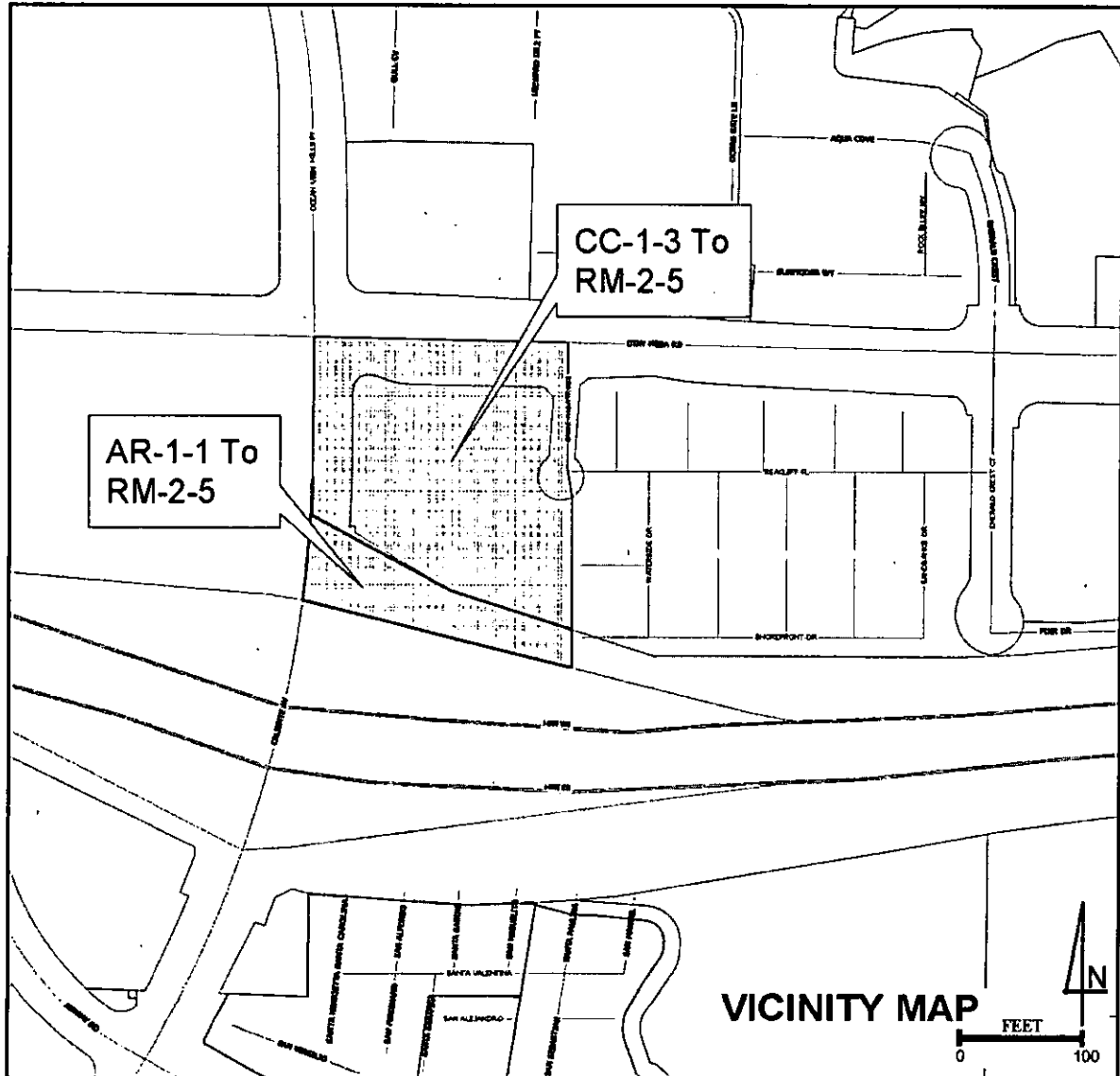
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer
Corrine L. Neuffer
Chief Deputy City Attorney

CLN:cm
October 25, 2022
Or.Dept: Development Services
Doc. No. 3124858

Attachment: Map B-4362

CITY OF SAN DIEGO • DEVELOPMENT SERVICES
SD PROPOSED REZONING



LEGAL DESCRIPTION Lot 1 of California Terraces – PA 61 Map No. 16413		CASE NO. PTS 690358
ORDINANCE NO. _____	REQUEST RM-2-5	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B-4362
BEFORE DATE _____		APN: 645-410-01
EFF. DATE ZONING _____		(218-1707)
MAP NAME AND NO. _____		

Document Path: C:\Users\p\OneDrive\Downloads\B and C Sheet Rezoning (1).aprx Date: 12/06/2022

DOCUMENT NO. 00-21589
FILED DEC 06 2022
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

Passed by the Council of The City of San Diego on DEC 06 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 06 2022

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kupsteli Medina, 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 NOV 15 2022, and on DEC 06 2022.

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 Kupsteli Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21589