

ORDINANCE NUMBER O- 21590 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 2.8 ACRES LOCATED AT 7720 KENAMAR COURT WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, FROM THE IL-2-1 ZONE INTO THE IL-3-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0603 AND REPEALING ORDINANCE NO. O-18451 (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

WHEREAS, 7720 KENAMAR CT HOLDINGS, LLC, requested a rezone of a 2.8-acre site located at 7720 Kenamar Court, as legally described below, in the Mira Mesa Community Plan area to expand the gross floor area for an Eating and Drinking Establishment as an allowable use; and

WHEREAS, on September 8, 2022, the Planning Commission of the City of San Diego considered the proposed rezone and voted 7-0-0 to recommend the Council of the City of San Diego (City Council) approve Rezone No. 3144149 of the property from the IL-2-1 Zone (Industrial-Light Zone) into the IL-3-1 Zone (Industrial-Light Zone); and

WHEREAS, the matter was set for public hearing on November 15, 2022, to be conducted by the City Council, with testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised regarding the same; 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; NOW, THEREFORE,

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

Section 1. That 2.8-acres located at 7720 Kenamar Court, as legally described as Lots 15 and 16 of Santa Fe Business Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11277, filed in the Office of the County Recorder of San Diego County, July 8, 1985, as file No. 85-243127 of Official Records, in the Mira Mesa Community Plan area, in the City of San Diego, California as shown on Zone Map Drawing B-4364 filed in the Office of the City Clerk as Document No. O- 21590, are rezoned from the IL-2-1 Zone into the IL-3-1 Zone, as the zones are described and defined by San Diego Municipal Code Section 131.0603. This action amends the Official Zoning Map adopted by Resolution R-301263 on March 14, 2006.

Section 2. That Ordinance No. O-18451 (New Series), adopted December 9, 1997, 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 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. 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 Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar (Airport), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airport, 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 the Airport, 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, whichever is 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 California 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 Airport. 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, whichever is later.

Section 5. That no permits for development inconsistent with the provisions of this Ordinance shall be issued unless complete applications for such permits are submitted to the City

prior to the date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Section 4, above.

APPROVED: MARA W. ELLIOTT, City Attorney

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

LHS:nja
10/04/2022
Or. Dept: Development Services
Doc. No.: 3124196

Attachment: Proposed Rezoning Map No. B-4364

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND
City Clerk

By Kyrstall Medina
Deputy City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

CITY OF SAN DIEGO • DEVELOPMENT SERVICES

SD PROPOSED REZONING



ORDINANCE NO. _____		REQUEST <input type="text"/>	CASE NO.
EFF. DATE ORD. _____			DEVELOPMENT SERVICES MANAGER
ZONING SUBJ. TO _____		PLANNING COMM. RECOMMENDATION	B-4364
BEFORE DATE _____		CITY COUNCIL ACTION	
EFF. DATE ZONING _____		APN: 343-321-24-00	
MAP NAME AND NO. _____		(218-1707)	

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 14 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 Kristell 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 14 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

21590

Ordinance Number O-_____