

ORDINANCE NUMBER O- 31534 (NEW SERIES)DATE OF FINAL PASSAGE JAN 13 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING APPROXIMATELY 10,020 ACRES LOCATED WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, TO THE AR-1-1, CC-1-3, CC-2-4, CC-3-6, CC-3-7, CC-3-8, CC-4-2, CC-5-2, CC-5-5, CN-1-2, CO-1-1, CO-1-2, CO-3-1, CO-3-2, CV-1-1, CV-1-2, , IL-1-1, IL-2-1, IL-3-1, IP-2-1, OC-1-1, OP-1-1, OR-1-1, OR-1-2, RM-1-1, RM-1-2, RM-1-3, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RS-1-11, RS-1-13, RS-1-14, RX-1-2, EMX-1, EMX-2, AND RMX-1 ZONES AS DEFINED BY THE SAN DIEGO MUNICIPAL CODE; AND REPEALING ORDINANCE NO. O-19427 N.S., ADOPTED OCTOBER 24, 2005, ORDINANCE NO. O-19456 N.S., ADOPTED JANUARY 17, 2006, ORDINANCE NO. O-19796 N.S., ADOPTED OCTOBER 21, 2008, ORDINANCE NO. O-19831 N.S., ADOPTED JANUARY 27, 2009, ORDINANCE NO. O-20112 N.S., ADOPTED DECEMBER 2, 2011, AND ORDINANCE NO. O-20505 N.S., ADOPTED JUNE 16, 2015, OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

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

Section 1. That approximately 10,020 acres located in the Mira Mesa Community Plan area, south of Los Peñasquitos Canyon, and the surrounding communities of Torrey Hills, Carmel Valley and Rancho Peñasquitos, north of Marine Corps Air Station (MCAS) Miramar, west of Miramar Ranch North and Scripps Miramar Ranch, and east of the University and Torrey Pines communities, and legally described by the Assessor's Parcel Numbers on file in the office of the City Clerk under Document No. OO- 31534.1, within the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-1024, filed in the office of the City Clerk as Document No. OO- 31534.2, are rezoned to the AR-1-1, CC-1-3, CC-2-4, CC-3-6, CC-3-7, CC-3-8, CC-4-2, CC-5-2, CC-5-5, CN-1-2, CO-1-1, CO-1-2, CO-3-1, CO-3-2, CV-1-1, CV-1-2, IL-1-1, IL-2-1, IL-3-1, IP-2-1, OC-1-1, OP-1-1, OR-1-1, OR-1-2, RM-1-1, RM-1-2, RM-1-3, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RS-1-11, RS-1-13, RS-1-14, RX-1-2, EMX-1, EMX-2, and RMX-1 zones, as the zones are described and

defined by San Diego Municipal Code Chapter 13, Article 1, Divisions 2, 3, 4, 5, 6, and 7. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-19427 N.S., adopted October 24, 2005, Ordinance No. O-19456 N.S., adopted January 17, 2006, Ordinance No. O-19796 N.S., adopted October 21, 2008, Ordinance No. O-19831 N.S., adopted January 27, 2009, Ordinance No. O-20112 N.S., adopted December 2, 2011, and Ordinance No. O-20505 N.S., adopted June 16, 2015, are 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 prior to the day of its final passage.

Section 4. That this Ordinance shall take effect and be in force as to each individual parcel shown on Zone Map Drawing No. C-1024 filed in the Office of the City Clerk as Document No. OO- ~~26594~~², on the thirtieth day from and after its passage.

Section 5. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) acting as the Airport Land Use Commission (ALUC) for a consistency determination.

Section 6. That if the ALUC finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for the Marine Corps Air Station Miramar (MCAS Miramar), this Ordinance shall take effect and be in force on the date of the finding of consistency, provided that and not until at least thirty days have passed from the date of final passage, or the date that R-2023-275 adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that all provisions of this Ordinance that are inside the Coastal Overlay Zone, and that are subject to California Coastal Commission jurisdiction as a City of San Diego Local

Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 7. That if the ALUC determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for MCAS Miramar, the Ordinance shall be submitted to the City Council for reconsideration.

Section 8. That if the ALUC determines that this Ordinance is conditionally consistent with the ALUCP for MCAS Miramar, 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-2023-275 adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that all provisions of this Ordinance as amended that are inside the Coastal Overlay Zone, and that are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 9. 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 ALUC, the California Department of Transportation, Division of Aeronautics, and the airport operators for the applicable airport(s). The City Council shall hold a second hearing not less than forty-five 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.

Section 10. 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-2023-275 adopting the Mira Mesa Community Plan becomes effective, whichever date occurs later, except that all provisions of this Ordinance that are inside the Coastal Overlay Zone, and that are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 11. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for the permits were 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 the Sections above.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jeanne L. MacKinnon
Jeanne L. MacKinnon
Deputy City Attorney

JLM:hm
November 22, 2022
Or.Dept: Planning
Doc. No.: 3148468

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 10 2023.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 1/13/23
(date)

_____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JAN 10 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 JAN 13 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], 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

DEC 05 2022

JAN 13 2023

, and on

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 [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-

26594