

ORDINANCE NUMBER O- 21608 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 24 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 15.20-ACRES LOCATED AT THE EASTERN TERMINUS OF PASEO MONTRIL, WEST OF INTERSTATE 15, EAST OF RANCHO PEÑASQUITOS BOULEVARD, WITHIN THE RANCHO PENASQUITOS COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM RM-2-5 (RESIDENTIAL-MULTIPLE UNIT) ZONE TO THE OC-1-1 (OPEN SPACE – CONSERVATION) ZONE; AND FROM THE RM-2-5 (RESIDENTIAL-MULTIPLE UNIT) AND RS-1-14 (RESIDENTIAL-SINGLE UNIT) ZONES TO THE RM-1-1 (RESIDENTIAL-MULTIPLE) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0403, 131.0406, AND 131.0203; AND REPEALING SAN DIEGO ORDINANCE O-10294 NS (NEW SERIES), ADOPTED ON MAY 14, 1970, AND SAN DIEGO ORDINANCE O-10077 NS, ADOPTED ON JULY 3, 1969, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

WHEREAS, Tri Pointe Homes, a California Corporation, requested to rezone approximately 15.2-acres of land located at the eastern terminus of the Paseo Montril, west of Interstate 15, east of Rancho Peñasquitos Boulevard, with the Rancho Peñasquitos Community Plan area, from the RM-2-5 (Residential Multiple-Unit) zone to the OC-1-1 (Open Space-Conservation) zone; and RS-1-14 (Residential Single-Unit) zone and RM-2-5 (Residential Multiple-Unit) zone to the RM-1-1 (Residential Multiple- Unit) zone in the Rancho Peñasquitos Community Plan area; and

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

WHEREAS, on November 3, 2022, the Planning Commission of the City of San Diego considered the rezone of the property and pursuant to Resolution No. 5218-PC voted to recommend the City Council approve the rezone; 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;

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 the evidence presented; NOW, THEREFORE,

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

Section 1. That site is legally described as that portion of Rancho Los Peñasquitos, in the City of San Diego, County of San Diego, State of California, according to map thereof accompanying the patent of said ranch recorded in the office of the County Recorder of San Diego County in book 2, page 385 of patents, described as follows: beginning at the most easterly corner of Lot 371 of Peñasquitos view unit No. 3, according to map No. 6859; thence along the easterly boundary thereof north  $23^{\circ}55'06''$  west 778.86 feet to a point on the southerly boundary of Peñasquitos view unit No. 1, according to map No. 6654; thence along the southerly boundary thereof north  $66^{\circ}04'54''$  east 275.16 feet; thence north  $12^{\circ}38'22''$  west 400.00 feet; thence north  $77^{\circ}21'38''$  east 640.00 feet to the southeast corner thereof, said point also being an

angle point in the southwest boundary of Lot 11 of sun ridge vista unit No. 1, according to map No. 11924; thence along the boundary of said Lot 11, south  $60^{\circ}26'12''$  east 288.59 feet to the most southerly corner thereof, said point also being on the northwest line of interstate 15 (XI-SD-15) as described in the lis pendens recorded January 17, 1964 as instrument No. 10305, and the amended lis pendens recorded August 03, 1965 as instrument No. 139001, both of official records; thence along said line south  $25^{\circ}19'51''$  west 534.85 feet, more or less, to an angle point thereon; thence south  $39^{\circ}12'51''$  west 534.40 feet; thence south  $14^{\circ}08'26''$  west 283.79 feet; thence south  $66^{\circ}11'51''$  west 95.91 feet to the point of beginning. Except therefrom all that portion described as follows: beginning at the intersection of the northeasterly line of Lot 371 of Peñasquitos view unit No. 3, according to map No. 6859 filed in the office of the County Recorder, with that course on the northwesterly line of state highway XI-SD-395 described in parcel 2A as "north  $66^{\circ}11'50''$  east, 253.03 feet" in final order of condemnation recorded June 26, 1967 as instrument No. 92316 of official records; thence along the northwesterly and westerly line of said state highway the following numbered courses: (1) north  $66^{\circ}11'50''$  east 95.91 feet; thence (2) north  $14^{\circ}08'26''$  east 283.77 feet; thence (3) north  $39^{\circ}12'22''$  east, 211.24 feet; thence (4) leaving said state highway northwesterly line south  $71^{\circ}35'16''$  west, 195.73 feet; thence (5) south  $15^{\circ}36'46''$  west, 294.70 feet; thence (6) south  $65^{\circ}20'54''$  west, 86.83 feet to said northeasterly line of Lot 371 of Peñasquitos view unit No. 3; thence (7) along said northeasterly line south  $23^{\circ}55'06''$  east, 108.15 feet to the point of beginning; in the Rancho Penasquitos Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4367, filed in the office of the City Clerk as Document No. **00**• 21608, are rezoned from the RM-2-5 to OC-1-1; and

from the RS-1-14 and RM-2-5 to RM-1-1, as the zones are 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 San Diego Ordinance O-10294 (New Series), adopted on May 14, 1970, and San Diego Ordinance O-10077 (New Series), adopted on July 3, 1969, 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. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, or the date that R- 314560 adopting amendments to the General Plan and the Rancho Peñasquitos Community Plan becomes effective, whichever date occurs later.

Section 5. No building permits for development inconsistent with the provisions of this Ordinance shall be issued unless an application was made prior to the date of adoption of this Ordinance.

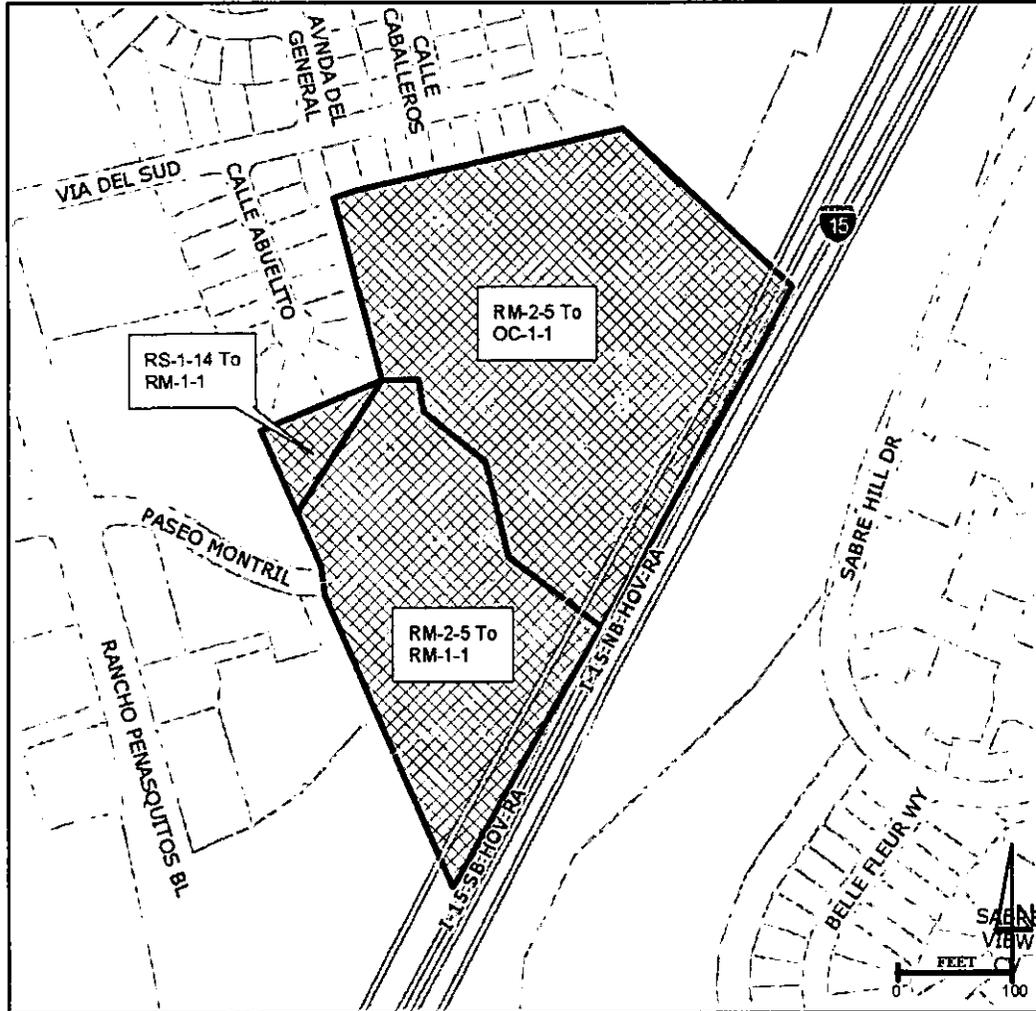
APPROVED: MARA W. ELLIOTT, City Attorney

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

CLN:nsf:cm  
December 15, 2022  
Or.Dept: DSD  
Doc. No. 3167481

Attachment: Rezone Map No. B-4367

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



ORDINANCE NO. _____ EFF. DATE ORD. _____ ZONING SUBJ. TO _____ BEFORE DATE _____ EFF. DATE ZONING _____		REQUEST: Rezone RM-2-5 to RM-1-1 and OC-1-1 and Rezone RS-1-14 to RM-1-1 PLANNING COMM. RECOMMENDATION CITY COUNCIL ACTION	<b>B-4367</b> DEVELOPMENT SERVICES MANAGER APN(s): 3150205500
---	--	---	---

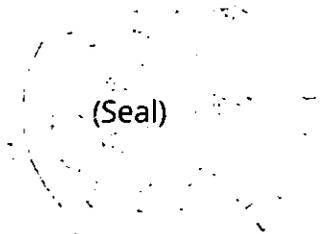
DRAFT

Passed by the Council of The City of San Diego on JAN 24 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 24 2023.

AUTHENTICATED BY:



(Seal)

TODD GLORIA  
Mayor of The City of San Diego, California.

DIANA J. S. FUENTES  
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

JAN 09 2023

, and on JAN 24 2023.

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)

DIANA J. S. FUENTES  
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21608</u>