

ORDINANCE NUMBER O- **21658** (NEW SERIES)

DATE OF FINAL PASSAGE JUN 06 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING 13.44 ACRES LOCATED SOUTH OF OTAY MESA ROAD, EAST OF EMERALD CREST COURT, SOUTHWEST OF CORPORATE CENTER DRIVE, AND NORTH OF STATE ROUTE 905 (APN NO. 645-410-0300 TO 645-410-0900), WITHIN THE OTAY MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-2-3 (COMMUNITY COMMERCIAL) ZONE INTO THE CC-3-6 (COMMUNITY COMMERCIAL) ZONE AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507 AND REPEALING ORDINANCE NO. O-21589 (NEW SERIES), ADOPTED DEC. 6, 2022, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, BDM Investments, LLC., applied to rezone 13.44 acres from the CC-2-3 Zone (Community-Commercial) to the CC-3-6 Zone (Community Commercial), in the Otay Mesa Community Plan area; and

WHEREAS, San Diego Resolution R- **314932** (Otay Mesa Community Plan Amendment), which was considered along with this ordinance, proposes an amendment to the Otay Mesa Community Plan to redesignate a 13.44-acre site located south of Otay Mesa Road, east of Emerald Crest Court, southwest of Corporate Center Drive, and north of State Route 905 from Community Commercial-Residential Prohibited to Community Commercial-Residential Permitted; and

WHEREAS, on March 30, 2023, the Planning Commission of the City of San Diego considered the rezone, pursuant to Resolution No. 5241-PC, voted to recommend the San Diego City Council (City Council) approval of the rezone; and

WHEREAS, the matter was set for 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 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 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 13.44 acres located south of Otay Mesa Road, east of Emerald Crest Court, southwest of Corporate Center Drive, and north of State Route 905, and legally described as Lots 1, 2, 3, 4, 5, A and C of Handler Commercial, in the Otay Mesa Community Plan area in the City of San Diego, County of San Diego, State of California, according to Map No. 16340, filed in the Office of County Recorder of San Diego County, May 7, 2019, are rezoned from the CC-2-3 Zone into the CC-3-6 Zone, as described and defined by San Diego Municipal Code Chapter 13 Division 5. This action amends the Official Zoning Map adopted by Resolution R-301263 on March 14, 2006.

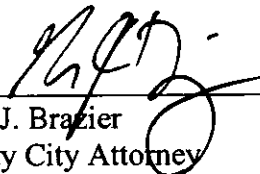
Section 2. That Ordinance No. 21589 (New Series), adopted Dec. 6, 2023, of the Ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. 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 therefore was made prior to the date of adoption of this Ordinance.

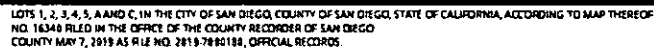
APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:nja
05/02/2023
Or. Dept: DSD
Doc. No.: 3292635
Attachment: Proposed Rezoning, B-4366



APN(s): 64541003, 64541004, 64541005,
64541006, 64541007,
64541008, 64541009

Passed by the Council of The City of San Diego on JUN 06 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 06 2023.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson 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

MAY 23 2023

, and on JUN 06 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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