

ORDINANCE NUMBER O- 21718 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 18 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 14.62-ACRES LOCATED AT 408 HOLLISTER STREET WITHIN THE OTAY MESA-NESTOR COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE OF-1-1 (OPEN SPACE – FLOODPLAIN) AND AR-1-2 (AGRICULTURAL – RESIDENTIAL) ZONES TO THE RM-2-5 (RESIDENTIAL MULTIPLE-UNIT) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0205, 131.0303, AND 131.0406; REPEALING SAN DIEGO ORDINANCE O-12554 (NEW SERIES), ADOPTED JANUARY 22, 1979, AND SAN DIEGO ORDINANCE O-10862 (NEW SERIES), ADOPTED JUNE 29, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH; AND AMENDING THE LOCAL COASTAL PROGRAM.

WHEREAS, RTA PHAIR/HOLLISTER, LLC, a Delaware Limited Liability Company, applied to rezone approximately 14.62 acres of land located at 408 Hollister Street, as legally described below, within the Otay Mesa-Nestor Community Plan area, from the OF-1-1 (Open Space – Floodplain) zone and AR-1-2 (Agricultural – Residential) zones to the RM-2-5 (Residential Multiple- Unit) zone; and

WHEREAS, San Diego Resolution R-315071 (General Plan, Otay Mesa-Nestor Community Plan, and Local Coastal Program Amendments), which was considered along with this ordinance, proposes an amendment to the General Plan to redesignate the 14.62-acre site located at 408 Hollister Street within the Otay Mesa-Nestor Community Plan, from park, open space and recreation to residential and an amendment to the Otay Mesa-Nestor Community Plan to redesignate the designated land use from Open Space to Residential – Medium Density; and

WHEREAS, on March 30, 2023, the Planning Commission of the City of San Diego considered the rezone of the property and pursuant to Resolution No. 5240-PC voted to recommend the San Diego City Council (City Council) approve the rezone; 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; NOW, THEREFORE,

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

Section 1. That 14.62 acres located at 408 HOLLISTER STREET, and legally described as the South Half of the Northeast Quarter of the Southeast Quarter, excepting the South 40.00 feet all being in Section 21, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof. Excepting therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to Map Thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23, 1924, distant along said northerly line north $81^{\circ}29'22''$ west 21.20 feet from the northeasterly corner of Lot 62 of said Coughlin Subdivision; thence north $13^{\circ}22'42''$ west 9.09 feet; thence north $14^{\circ}53'19''$ west 276.24 feet; thence north $06^{\circ}42'47''$ west 411.70 feet; thence north $07^{\circ}51'19''$ west 487.97 feet; thence north $07^{\circ}19'00''$ west 26.73 feet to a point on the north line of distant along said last north line $89^{\circ}24'21''$ west 1059.90 feet from the northeast corner of said south half. Also excepting therefrom all oil, gas and other materials in and under said land, expressly

excluding therefrom, any and all rights of ingress and egress to enter upon or use all or any part of the surface of the land at a depth of less than 500 feet to exercise the mineral rights so that grantor shall have the free, complete and uninterrupted use of the surface of the land and such area at a depth of less than 500 feet. Said oil, gas and other minerals having been conveyed to PCA Mineral Rights, LLC, a Delaware Limited Liability Company by deed recorded March 28, 2016, as Instrument No. 2016-0138942 of Official Records, in the Otay Mesa-Nestor Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4363, filed in the office of the City Clerk as Document No. OO- ~~21718~~ are rezoned from the OF-1-1 (OPEN SPACE – FLOODPLAIN) and AR-1-2 (AGRICULTURAL - RESIDENTIAL) zones to the RM-2-5 (RESIDENTIAL - MULTIPLE-UNIT) described and defined by San Diego Municipal Code Chapter 13, Article 1, Divisions 2, 3, and 4. This action amends the Official Zoning Map adopted by San Diego Resolution R-301263 (Mar. 14, 2006) on February 28, 2006.

Section 2. San Diego Ordinance O-12554, adopted on January 22, 1979, and San Diego Ordinance O-10862, adopted on June 29, 1972, of the ordinances of the City of San Diego, are repealed insofar as the same conflicts with the rezoned uses of the land.

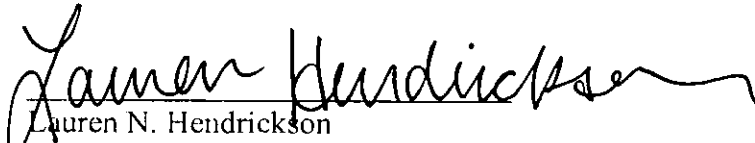
Section 3. A full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. The provisions of this Ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this Ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

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


Lauren N. Hendrickson
Deputy City Attorney

LNH:cm
June 6, 2023
Or.Dept: DSD
Doc. No. 3325010

Attachment: Rezoning Map No. B-4363

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 9/15/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

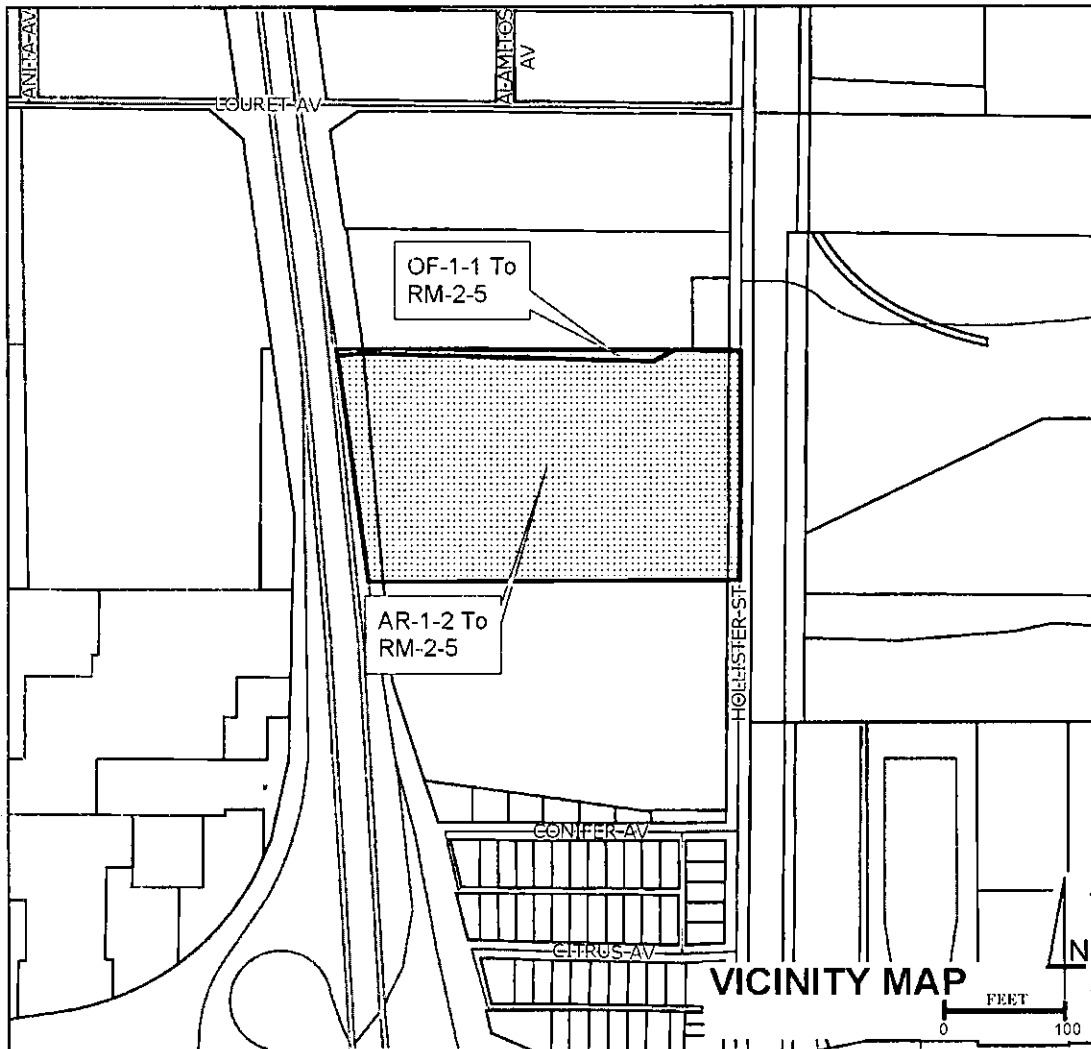
TODD GLORIA, Mayor

(Note: The date of final passage is September 18, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



LEGAL DESCRIPTION

ORDINANCE NO. _____
EFF. DATE ORD. _____
ZONING SUBJ. TO _____
BEFORE DATE _____
EFF. DATE ZONING _____
MAP NAME AND NO. _____

REQUEST RM-2-5
PLANNING COMM.
RECOMMENDATION
CITY COUNCIL
ACTION

CASE NO.

DEVELOPMENT SERVICES MANAGER

B-4363

APN:
(218-1707)

Passed by the Council of The City of San Diego on SEP 12 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Date of final passage SEP 18 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 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

JUL 25 2023

, and on SEP 18 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

21718

Ordinance Number O-_____