

ORDINANCE NUMBER O- 21726 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 26 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 3.97 ACRES LOCATED WITHIN THE UNIVERSITY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-14 (RESIDENTIAL-SINGLE UNIT) ZONE INTO THE EMX-2 (EMPLOYMENT MIXED-USE) ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0403 AND 131.0704; AND REPEALING ORDINANCE NO. O-13455, ADOPTED FEBRUARY 15, 1932, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, Alexandria Real Estate Equities (ARE) – ARE-SD Region No. 20, LLC, a Delaware Limited Liability Company, applied to rezone a 3.97-acre site, as legally described below, from RS-1-14 (Residential-Single-Unit) to EMX-2 (Employment Mixed-Use), in the University Community Plan area; and

WHEREAS, San Diego Resolution R- 315100 (General Plan, University Community Plan, and Nexus Technology Centre Specific Plan Amendments), which was considered along with this ordinance, proposes an amendment to the University Community Plan to change the gross acreage of Subarea 30 (Nexus Specific Plan) from 22.50 acres to 18.63 acres, add Subarea 102 (Science Village (PDP)) as a new 3.97-acre Subarea to the Land Use and Development Intensity Table in the Development Intensity Element of the University Community Plan, redesignate a portion of Subarea 37 (City Ownership) south of Nobel Drive totaling approximately 36.6 acres from Industrial (Scientific Research) to Open Space, transfer development intensity rights (3,744 Average Daily Trips (ADT)) from the University Community Plan Area Subarea 37 (City Ownership) as follows: 1,933 ADT transferred to new Subarea 102 (project site), which will allow an additional 241,600 square feet of Scientific

Research/Research and Development space; and 1,811 ADT transferred to Subarea 10 (Campus Point) which will allow an additional 226,400 square feet of Scientific Research/Research and Development space, exempt properties located along the Urban Node Pedestrian Network from the commercial encroachment policies of the Industrial Element; an amendment to the Nexus Technology Centre Specific Plan (Specific Plan) to remove Lots 7 and 8 from the Specific Plan located at 9363, 9373, and 9393 Towne Centre Drive; and an amendment to the General Plan Land Use Map to redesignate the land use for a portion of Subarea 37 (City Ownership) south of Nobel Drive totaling 36.6 acres from Industrial Employment to Parks, Open Space, and Recreation; and

WHEREAS, on July 20, 2023, the Planning Commission of the City of San Diego considered the proposed rezone, and pursuant to Resolution No. 5251-PC voted to recommend the San Diego City Council (City Council) approval of the proposed 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 resolution 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 City 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 3.97 acres located at 9363, 9373, and 9393 Towne Centre Drive in the University Community Plan area, and legally described as: Parcel A: Lots 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County, August 7, 1987, Parcel B: Easements for parking and access, maintenance and common wall as set forth in a document entitled "Grant of Easement" recorded September 11, 1987 as file no. 87-515736 of official records, affecting Lot 4 and 5 of Nexus Technology Centre Unit No. 1 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11876, filed in the Office of the County Recorder of San Diego County, August 7, 1987, above as more particularly described in said document, APN: 345-200-04 & 05, as shown on Zone Map Drawing No. B-4369 filed in the office of the City Clerk as Document No. OO- 21726, are rezoned from the RS-1-14 (Residential-Single Unit) zone into the EMX-2 (Employment Mixed-Use), as described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4 and Chapter 13 Article 1 Division 7. This action amends the Official Zoning Map adopted by San Diego Resolution R-301263 on February 28, 2006.

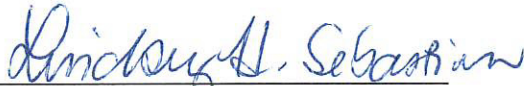
Section 2. That San Diego Ordinance O-13455, adopted February 15, 1932, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its 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 this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

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 applicable provisions of this ordinance become effective, which date is determined in accordance with Section 4, above.

APPROVED: MARA W. ELLIOTT, City Attorney

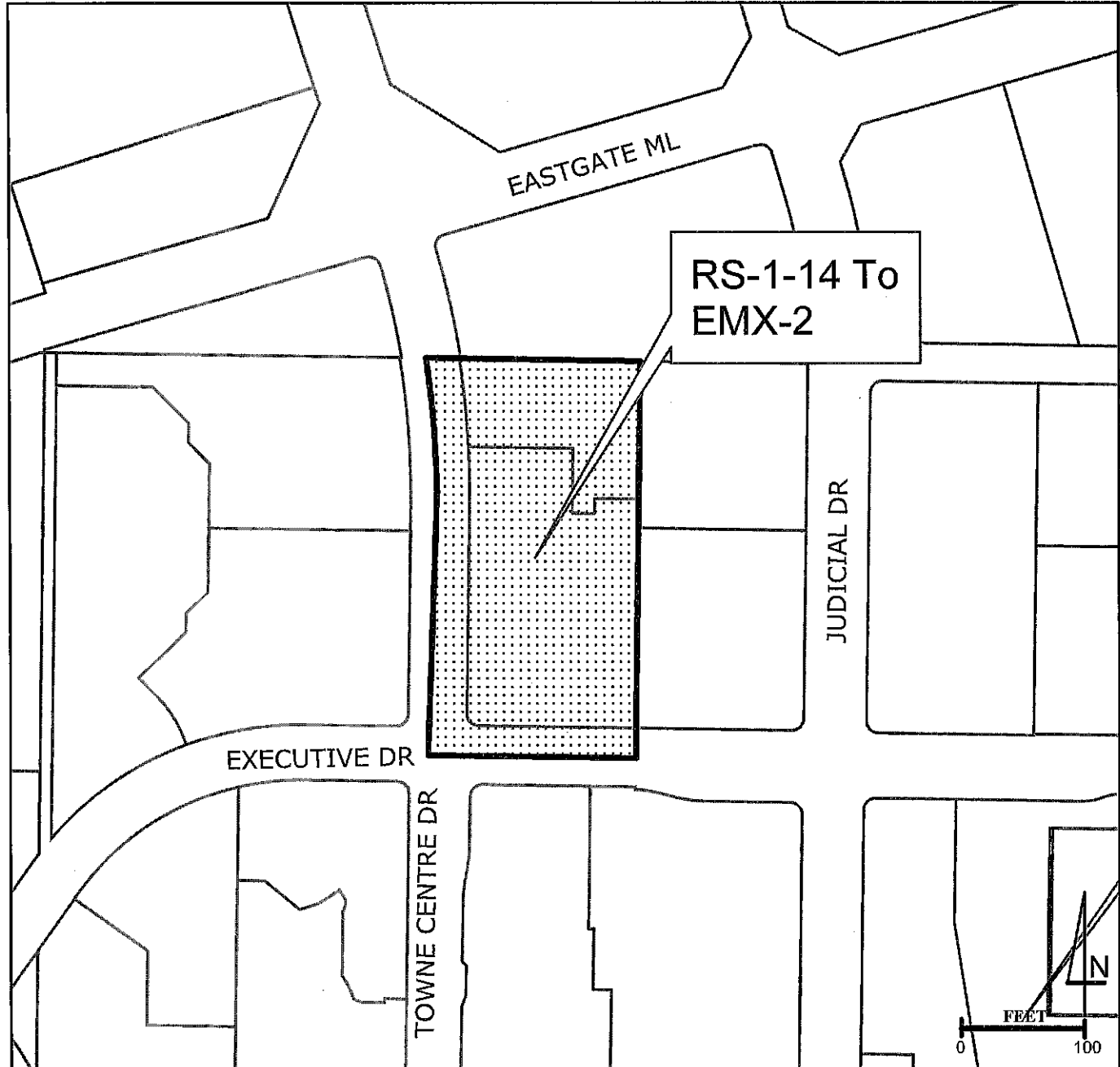
By   
Lindsey H. Sebastian  
Deputy City Attorney

LHS:nja  
08/22/2023  
Or. Dept: DSD  
Doc. No.: 3393328

Attachment: Proposed Rezoning Map B-4369

CITY OF SAN DIEGO • DEVELOPMENT SERVICES

# SD PROPOSED REZONING



ORDINANCE NO. _____		REQUEST	Rezone two parcels from RS-1-14 to EMX-2	<b>B-4369</b>
EFF. DATE ORD. _____				
ZONING SUBJ. TO _____		PLANNING COMM. RECOMMENDATION		DEVELOPMENT SERVICES MANAGER
BEFORE DATE _____		CITY COUNCIL ACTION		
EFF. DATE ZONING _____				APN(s): 345-200-040, 345-200-0500

DRAFT

Passed by the Council of The City of San Diego on SEP 26 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 26 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

SEP 11 2023

, and on SEP 26 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

**21726**

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