

#61A
6/29/21

(O-2021-133)

21344

ORDINANCE NUMBER O- (NEW SERIES)

ADOPTED ON JUN 29 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING PORTIONS OF A 112.3-ACRE SITE LOCATED EAST OF INTERSTATE 15, WEST OF PEÑASQUITOS DRIVE AND SOUTH OF CARMEL MOUNTAIN ROAD IN THE RANCHO PEÑASQUITOS COMMUNITY PLAN AREA, FROM THE RS-1-14 ZONE (RESIDENTIAL- SINGLE UNIT) TO THE RM-1-1 ZONE (RESIDENTIAL-MULTIPLE UNIT), RM-3-7 ZONE (RESIDENTIAL-MULTIPLE UNIT), OP-1-1 ZONE (OPEN SPACE-PARK) AND OR-1-1 ZONE (OPEN SPACE-RESIDENTIAL) AND THE CV-1-1 ZONE (COMMERCIAL- VISITOR) TO OR-1-1 ZONE AND OP-1-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0202, 131.0204, 131.0403, 131.0406 AND 131.0505; ADDED ON DECEMBER 9, 1997 BY O-18451, AND EFFECTIVE JANUARY 1, 2000.

WHEREAS, CARMEL PARTNERS LLC, a Delaware Limited Liability Company, applied to rezone a 112.3-acre site located east of Interstate 15, west of Peñasquitos Drive and south of Carmel Mountain Road, as legally described below, in the Rancho Peñasquitos Community Plan Area to construct 536 age-restricted residential dwelling units; and

WHEREAS, on April 29, 2021, the Planning Commission of the City of San Diego considered and voted to recommend the Council of the City of San Diego (Council) approve this Rezone No. 2073792 of the property from the RS-1-14 Zone (Residential – Single Unit) and CV-1-1 (Commercial-Visitor) to the, RM-1-1 Zone, RM-3-7 Zone (Residential – Multiple Unit), OP-1-1 (Open Space-Park) and OR-1-1 (Open Space-Residential); and

WHEREAS, the matter was set for public hearing on June 15, 2021, with testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the 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 the 112.3-acre site located east of Interstate 15, west of Peñasquitos Drive and south of Carmel Mountain Road, and legally described as Parcel 3 of Parcel Map No. 21621, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County on September 13, 2018 as Instrument No. 20187000350 of official records, in the Rancho Peñasquitos Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4355, filed in the office of the City Clerk as Document No. OO- 21344, are rezoned from the RS-1-14 Zone and CV-1-1 Zone to the RM-1-1 Zone, RM-3-7, Zone, OP-1-1 Zone and OR-1-1 Zone, as the zones are described and defined by San Diego Municipal Code Sections 131.0202, 131.0204, 131.0403, 131.0406 and 131.0505. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. 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 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 4. That if the SDCRAA finds this Ordinance consistent with the Airport Land

Use Compatibility Plans (ALUCP) for San Diego International Airport and Montgomery Field (collectively Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, or the date that R-2021-491, adopting amendments to the Rancho Peñasquitos Community Plan becomes effective, whichever is later.

Section 5. That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

Section 6. That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, 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-2021-491, adopting amendments to the Rancho Peñasquitos Community Plan becomes effective, whichever is later.

Section 7. 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 California Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 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 8. 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-2021-491, adopting amendments to the Rancho Peñasquitos Community Plan becomes effective, whichever is later.

Section 9. No building 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 date on which the applicable provisions of this Ordinance become effective, which date is determined in accordance with Sections 3-8, above.

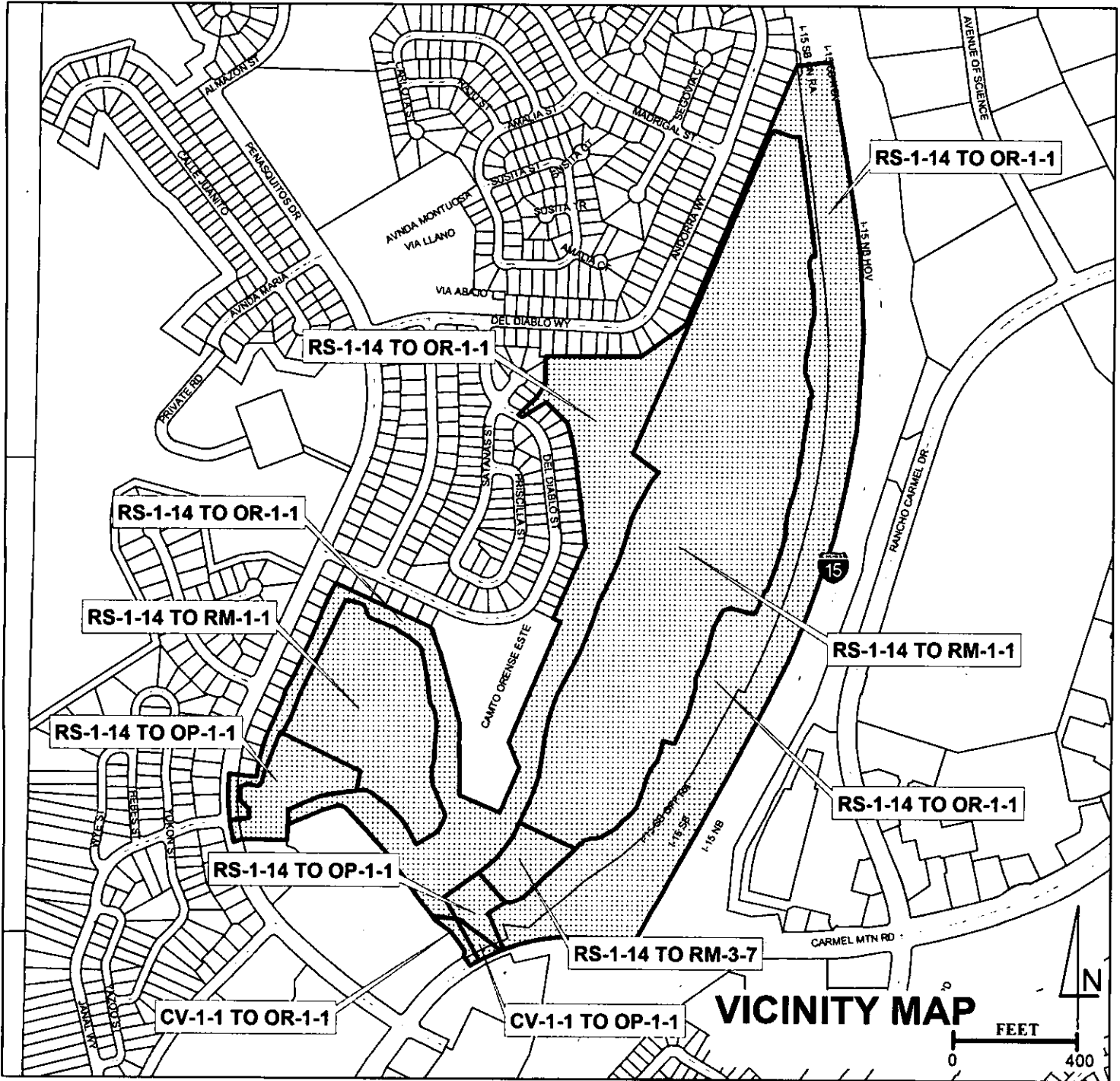
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Shannon C. Eckmeyer
Shannon C. Eckmeyer
Deputy City Attorney

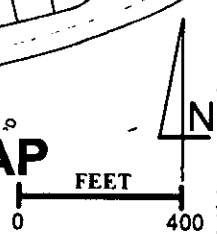
SCE:sc
05/24/2021
Or.Dept: DSD
Doc.No.: 2667931



PROPOSED REZONING



VICINITY MAP



PAR 2 & 3 PM21621

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

REQUEST RM-1-1, RM-3-7, OR-1-1, OP-1-1
 PLANNING COMM. RECOMMENDATION
 CITY COUNCIL ACTION

CASE NO. PTS 586670

DEVELOPMENT SERVICES MANAGER

B-4355

APN: 313-011-12

(298-1743) 1-25-21 ldj

Passed by the Council of The City of San Diego on JUN 29 2021, 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"/>
Chris Cate	<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 JUN 29 2021

AUTHENTICATED BY:

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

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, 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

JUN 15 2021, and on JUN 29 2021

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 Linda Irwin, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p style="text-align: center;">- 21344</p> <p>Ordinance Number O-_____</p>
