

#61B
6/29/21

(O-2021-143)

ORDINANCE NUMBER O- 21345 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 29 2021

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 132.1403, RELATING TO THE RANCHO PEÑASQUITOS COMMUNITY PLAN UPDATE FOR THE JUNIPERS PROJECT.

WHEREAS, CARMEL PARTNERS LLC, a Delaware Limited Liability Company, filed an application with the City of San Diego for the conversion of a closed golf course property into a 536 unit, 55+ age-restricted community of attached and detached homes, including 81- affordable homes for low-income seniors, as well as a 2.87 usable net acre public park, and a 2.75 mile trail, known as The Junipers Project (Project); and

WHEREAS, the 112.3-acre Project site located east of Interstate 15, west of Peñasquitos Drive and south of Carmel Mountain Road is primarily zoned Residential Single-Unit (RS-1-14), and a small area in the southeast portion of the site is zoned Commercial Visitor (CV-1-1). The Rancho Peñasquitos Community Plan Land Use Map designates the site as Open Space, while the specific map for the site's Glens Neighborhood identifies the site as Golf Course. The Project site is also located with the Airport Land Use Compatibility Overlay Zone and the Airport Influence Area (Review Area 2) for Marine Corps Air Station (MCAS) Miramar; and

WHEREAS, the Project site is 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. 2018-7000350 of official records; and

WHEREAS, Resolution No. R-2021-491, which was considered along with this Ordinance, adopts amendments to the Rancho Peñasquitos Community Plan and the General

Plan to be consistent with the Project that requires a change in both the land use designation and zoning to accommodate building residential units on open space; and

WHEREAS, amending the Rancho Peñasquitos Community Plan requires amendments to the San Diego Municipal Code section relating to the Community Plan Implementation Overlay Zone (CPIOZ); and

WHEREAS, the CPIOZ limits the maximum density for the Project site to be equal to the proposed Project density, thereby ensuring that any future proposal to replace the Planned Development Permit for the Project would require discretionary approval. A Planned Development Permit is required for deviations for the private exterior open space barrier height (for noise control purposes), residential multi-family (RM)-1-1 setbacks, and length of lot frontage on public streets for the multi-family residential uses; and

WHEREAS, under 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

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

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

Section 1. That Chapter 13, Article 2, Division 14 of the San Diego Municipal Code is amended by amending Sections 132.1403 to read as follows:

§132.1403 Exception to the Community Plan Implementation Overlay Zone

The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. Exceptions made by the City Manager shall be filed with the office of the City Clerk.

**DIAGRAM 132-14A through DIAGRAM 132-14H
Clairemont Mesa Community Plan Implementation Overlay Zone
[No change in text.]**

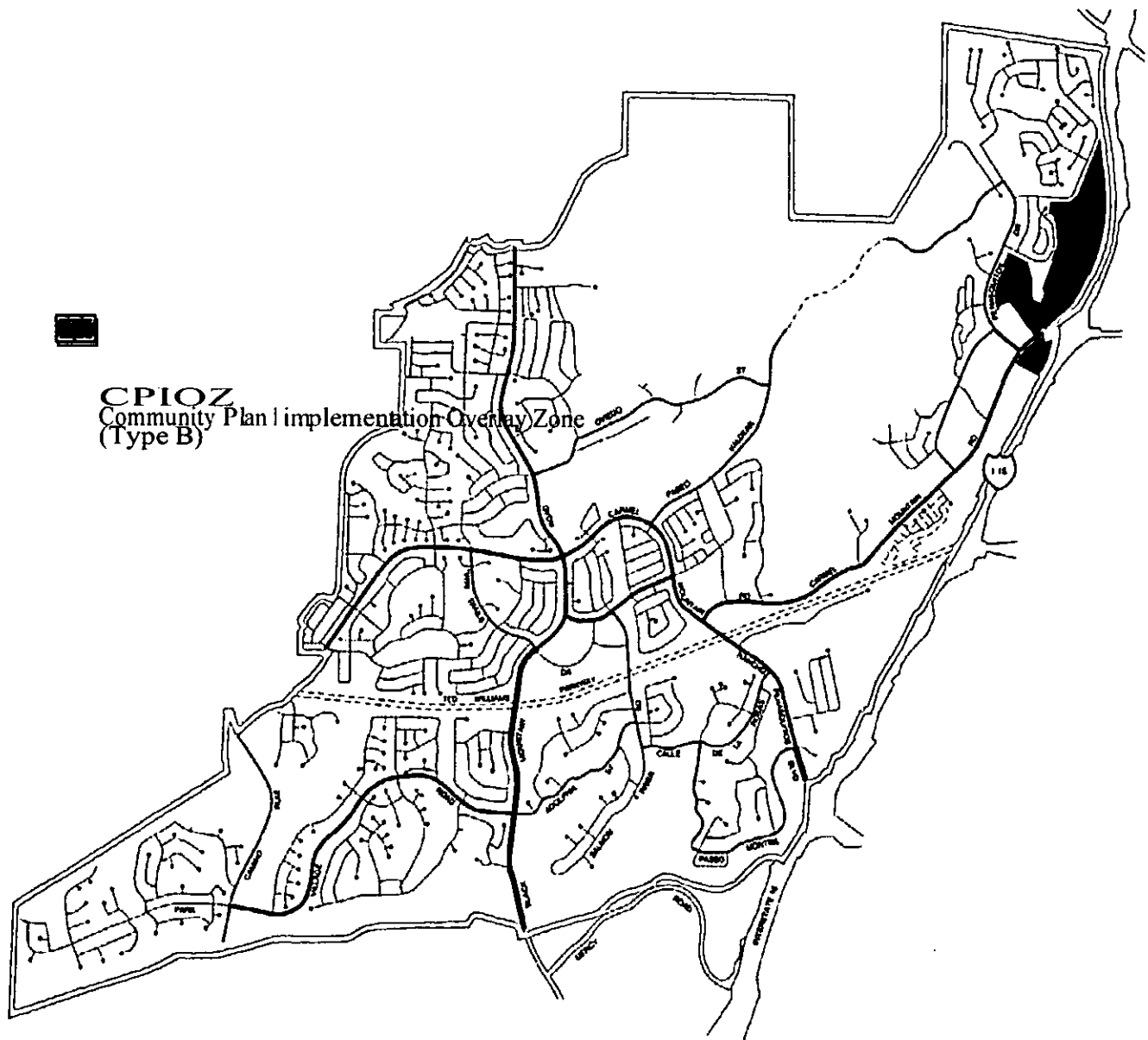


DIAGRAM 132-14I

Rancho Peñasquitos Community Plan Implementation Overlay Zone

This is a reproduction of Map No. B-4025 for illustration purposes only.

DIAGRAM 132-14J through DIAGRAM 132-14S

[No change in text.]

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written or printed copy having been available to the City Council and the public prior to the day of its 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 (ALUCPs) 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
05/26/2021
Or.Dept:DSD
Doc. No.: 2671981

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

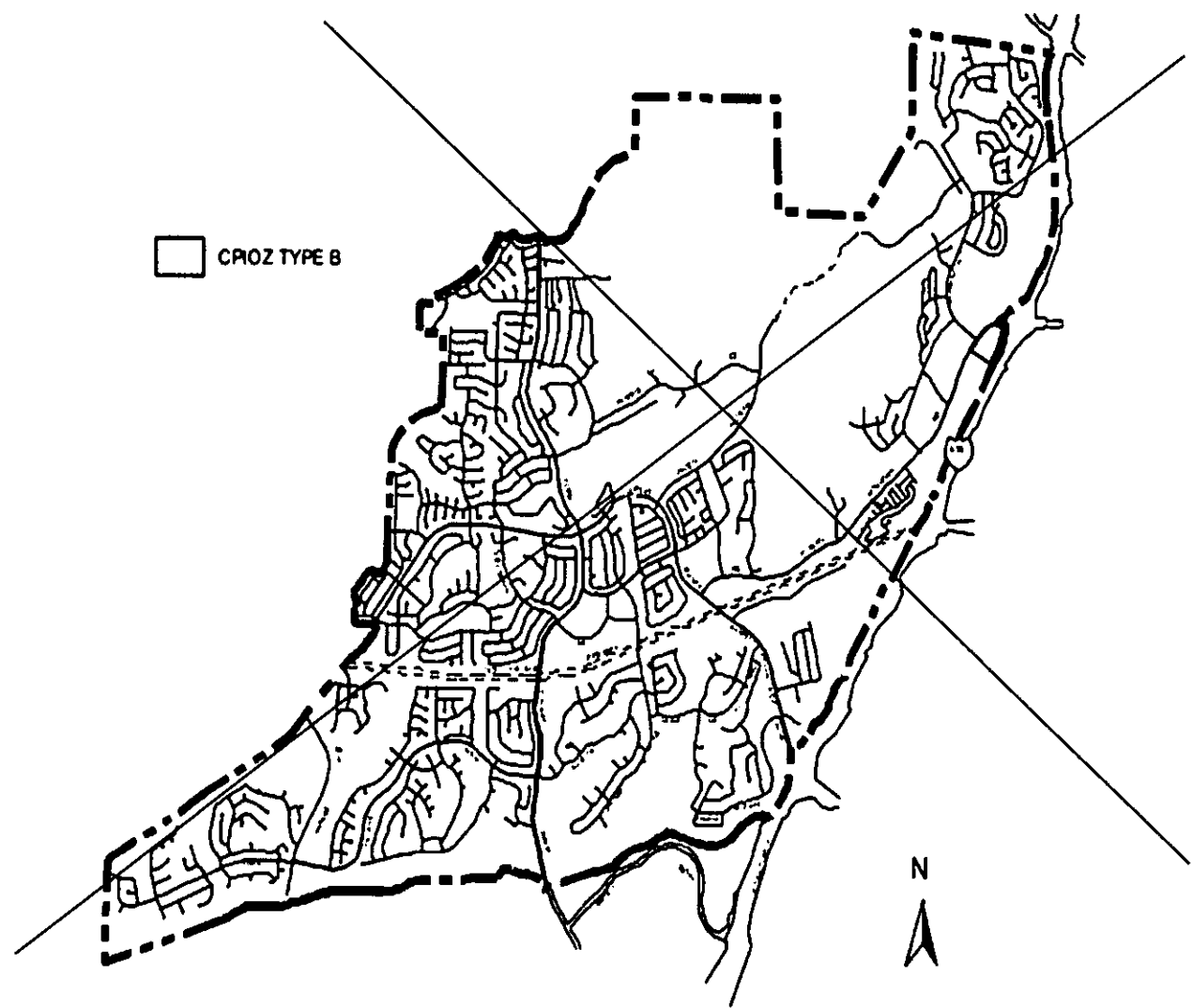
AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,
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AMENDING SECTION 132.1403, RELATING TO THE
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FOR THE JUNIPERS PROJECT.

§132.1403 Exception to the Community Plan Implementation Overlay Zone

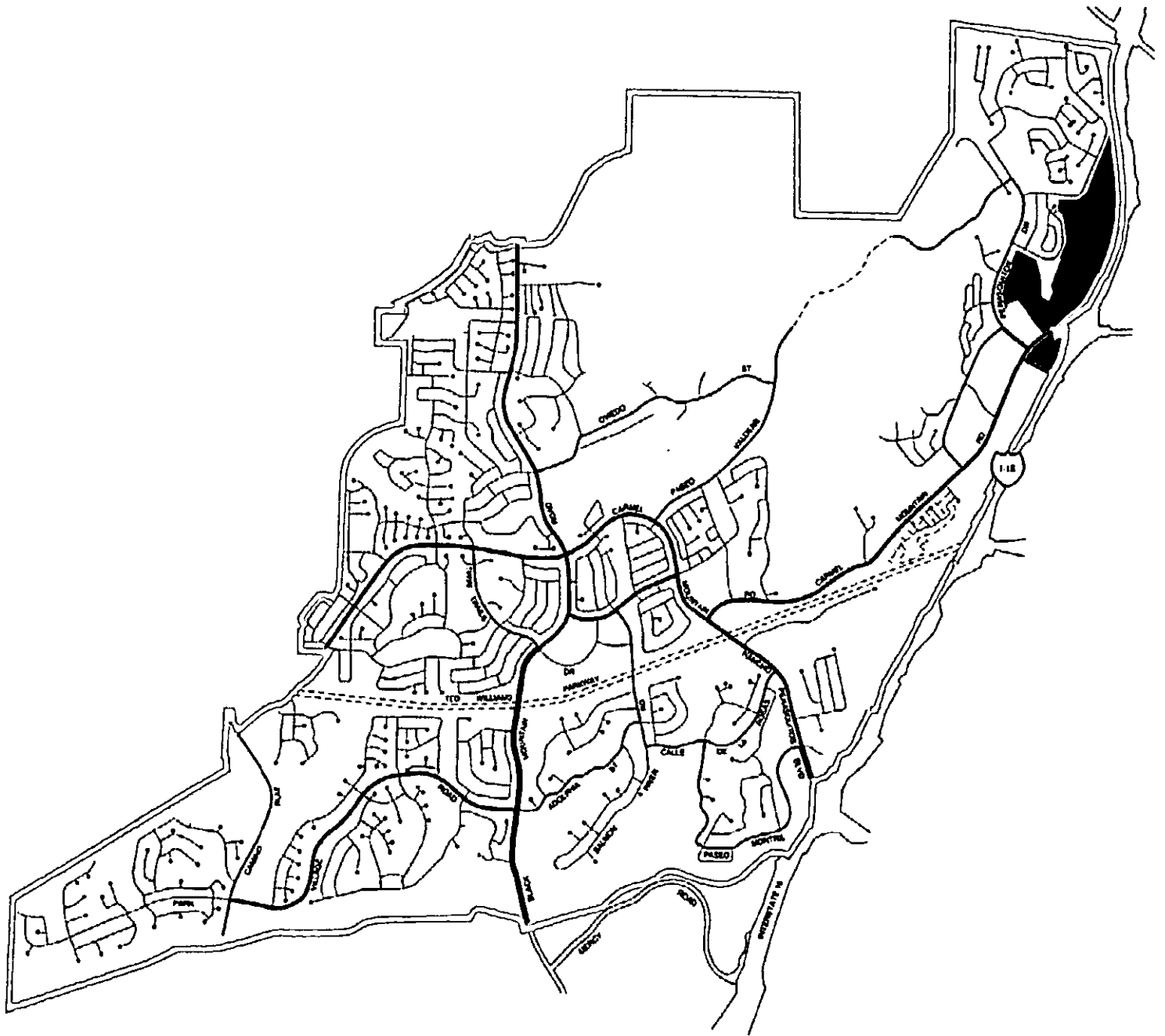
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DIAGRAM 132-14A through DIAGRAM 132-14H
[No change in text.]

DIAGRAM 132-14I
Rancho Peñasquitos Community Plan Implementation Overlay Zone
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CPIOZ
Community Plan Implementation Overlay Zone
(Type B)



(O-2021-143)

DIAGRAM 132-14J through DIAGRAM 132-14S
[No change in text.]

SCE:sc
05/26/2021
Or. Dept: DSD
Doc. No.: 2671977

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

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21345</u>