

ORDINANCE NUMBER O- 0807 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 10 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING 225 ACRES LOCATED NORTH OF FRIARS ROAD, SOUTH OF PHYLLIS PLACE, BETWEEN MISSION CENTER ROAD AND INTERSTATE 805 WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA FROM THE RS-1-7, MVPD-MV-M, AND MVPD-MV/SP ZONES TO THE OP-2-1, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, AND IL-3-1 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0202, 131.0403, 131.0406, 131.0507, AND 131.0603 AND REPEALING ORDINANCE NOS. O-17499 (NEW SERIES) AND O-13457 (OLD SERIES) ADOPTED AUGUST 22, 1990 AND MARCH 17, 1932 RESPECTIVELY, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

WHEREAS, on May 11, 2005, Quarry Falls, LLC., submitted an application to the City of San Diego for a Community Plan Amendment, General Plan Amendment, Specific Plan, Master Planned Development Permit, Site Development Permit, Vesting Tentative Map, Conditional Use Permit/Reclamation Plan Amendment, Mission Valley Public Facilities Financing Plan Amendment, and a Rezone from the RS-1-7, MVPD-MV-M, and MVPD-MV/SP zones to the OP-2-1, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, and IL-3-1 zones for the Quarry Falls Project No. 49068; and

WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego considered Rezone No. 183191 for the Quarry Falls Project No. 49068, and pursuant to Resolution No. 4447-PC voted to recommend City Council approval of the Rezone; and

WHEREAS, The City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW THEREFORE,

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

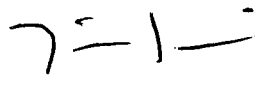
Section 1. That approximately 225 acres located North of Friars Road, South of Phyllis Place, between Mission Center Road and Interstate 805, and legally described as Portions of Pueblo Lands 1109, 1173, 1174, 1182, 1183, 1184 and 1186, in the Mission Valley Community Plan area, in the City of San Diego, California, as shown on zone Map Drawing No. B-4265, filed in the office of the City Clerk as Document No. OO- 15807, are rezoned from the RS-1-7, MVPD-MV-M AND MVPD-MV/SP zones into the OP-2-1, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, and IL-3-1 zones, as the zones described and defined by San Diego Municipal Code Sections 131.0202, 131.0403, 131.0406, 131.0507, and 131.0603. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-17499 (New Series), adopted July 23, 1990, and O-13457 (Old Series), adopted February 15, 1932, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public a day prior to passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its final 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: MICHAEL J. AGUIRRE, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:mm
09/17/08
10/10/08 COR.COPY
12/04/08 REV.COPY
Or.Dept:DSD
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