

ORDINANCE NUMBER O- 19813 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 02 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 517 ACRES LOCATED AT 8514 MAST BOULEVARD, WITHIN THE EAST ELLIOT COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-2 AND RS-1-8 ZONE INTO THE IH-2-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0604 AND REPEALING ORDINANCE NO. 10864 (NEW SERIES), ADOPTED JUNE 29, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

WHEREAS, Sycamore Landfill, Inc. [SLI] submitted an application to the Development Services Department for an East Elliott Community Plan amendment, a General Plan amendment, a rezone from RS-1-8 (Single Dwelling Unit) and AR-1-2 (Agricultural-Residential) to IH-2-1 (Heavy Industrial), an amendment to planned development permit/site development permit, a lot consolidation parcel map, public right-of-way vacations, easement abandonments, and various deviations from the Environmentally Sensitive Lands Regulations in connection with the Sycamore Landfill Master plan – Project No. 5617 [Project]; and

WHEREAS, on October 23, 2008, the Planning Commission of the City of San Diego considered Rezone No. 534712 for the Project, and pursuant to Resolution No. 4457-PC voted to recommend City Council denial 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 the action; and

WHEREAS, under San Diego City 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, 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 evidence presented; NOW, THEREFORE,

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

Section 1. That 517 acres located at 8514 Mast Boulevard, and legally described as Portions of Lots 3,4.9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and all that real property relinquished to the City of San Diego per document recorded March, 6, 2008 as Document No. 2008-0117850 of Official Documents excepting Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 dated March 7, 2001 as File/Page No. 2001-0129708 of Official Documents, in the East Elliot Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4259, filed in the office of the City Clerk as Document No. OO- 19813, are rezoned from the AR-1-2 (Agricultural-Residential) and RS-1-8 (Single Dwelling Unit) zone into the IH-2-1 (Heavy Industrial) zone, as the zone described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 6. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

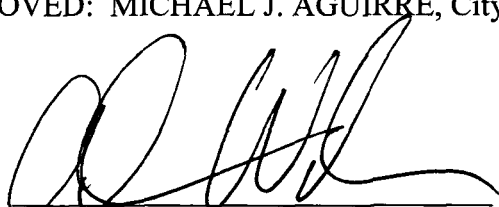
Section 2. That Ordinance No. 10864 (New Series), adopted June 29, 1972, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to 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, 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

A handwritten signature in black ink, appearing to read 'Adam Wander', written over a horizontal line.

Adam Wander
Deputy City Attorney

ARW:MM
10/28/08
Or.Dept:DSD
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