

ORDINANCE NUMBER O- 20112 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 02 2011

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 4.5-ACRES LOCATED AT 9812-9946 REAGAN ROAD, WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE EXISTING RM-2-5 ZONE INTO THE RM-3-7 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406 (REZONE NO. 563432), AND REPEALING ORDINANCE NO. O-10244 (NEW SERIES), ADOPTED FEBRUARY 19, 1970, OF ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Mira Mesa Shopping Center-West, LLC, Applicant, requested a rezone for the purpose of changing 4.5 acres, located at 9812-9946 Reagan Road, and legally described as Parcel 17 of Parcel Map 12698, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4279, filed in the office of the City Clerk as Document No. OO- 20112 (Property), from the RM-2-5 zone to the RM-3-7 zone (the Rezone); and

WHEREAS, on NOV 01 2011, the City Council adopted Resolution No. R- 307092 certifying Mitigated Negative Declaration No. 158201 (MND) and adopting a Mitigation, Monitoring and Reporting Program (MMRP) for the Rezone, on file in the Office of the City Clerk as Document No. RR- 307092 ; and

WHEREAS, the MND identified a potentially significant traffic impact of the Rezone, which would be mitigated to a less than significant level by the mitigation measures set forth in MMRP; and

WHEREAS, California Public Resources Code section 21081.6 requires that the mitigation measures set forth in the MMRP are fully enforceable through permit conditions, agreements, or other measures, and that the mitigation measures may be incorporated into the regulation being approved; and

WHEREAS, the Applicant has executed, and the City Council has authorized execution of, a Deferred Improvement and Mitigation Agreement and Covenant Running with the Land (Agreement), on file in the Office of the City Clerk as Document No. RR- 307093, to be recorded against the Property to ensure that the mitigation measures set forth in the MMRP are fully enforceable and will be implemented;

WHEREAS, on September 15, 2011, the Planning Commission of the City of San Diego considered Rezone No. 563432, and voted 7-0-0 to recommend City Council approval of the Rezone; and

WHEREAS, the matter was set for public hearing on NOV 15 2011, 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 a 4.5-acre site located 9812-9946 Reagan Road, and legally described as Parcel 17 of Parcel Map 12698, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4279, filed in the office of the City Clerk as Document No. OO- 20112, is rezoned from the RM-2-5 zone to the RM-3-7 zone, as the zone is described and defined by Chapter 13, Article 1, Division 4 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

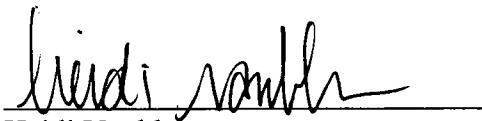
Section 2. That Ordinance No. O-10244 (New Series), adopted February 19, 1970, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That the Applicant and/or the Applicant's successors shall implement the mitigation measures identified in the MMRP.

Section 4. 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 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, after which no permits that are inconsistent with the provisions of this ordinance shall be issued.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heidi Vonblum  
Deputy City Attorney

HV:hm  
10/11/11  
Or.Dept:DSD

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12-2-4  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor