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ORDINANCE NUMBER O- 20198 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 02 2012

EFFECTIVE DATE NOV 01 2012

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO RESCINDING ORDINANCE NO. 19813 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 ZONES TO THE IH-2-1 ZONE, RELATING TO THE SYCAMORE LANDFILL MASTER PLAN – PROJECT NO. 5617.

WHEREAS, Sycamore Landfill Inc. requested a rezone for the purpose of changing 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, 26203-2, 26203-4, 26204-2, 26204-3, 26204-4, 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, from the AR-1-2 and RS-1-8 zones into the IH-2-1 zone (Rezone) in connection with the Sycamore Landfill Master Plan Project No. 5617 (Project); and

WHEREAS, on December 2, 2008, the City Council of the City of San Diego approved the requested Rezone pursuant to Ordinance No. O-19813; and

WHEREAS, the City Council by Resolution No. R-304352, adopted on November 10, 2008, certified Environmental Impact Report (EIR) No. 5617/SCH No. 2003041057 and adopted the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations for the Project; and

WHEREAS, East Elliot Land Company, LLC and Citizens Against Landfill Expansion challenged the above-referenced EIR in an action styled *East Elliot Land Company, LLC and Citizens Against Landfill Expansion v. City of San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. 37-2008-00097944-CU-TT-CTL; and

WHEREAS, the City of Santee challenged the above-referenced EIR in an action styled *City of Santee v. City of San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. 37-2008-00097666-CU-WM-CTL; and

WHEREAS, as a result of the Actions, the Court issued a Peremptory Writ of Mandate directing the City to “set aside its resolution and/or decision certifying the final environmental impact report (FEIR) for the Sycamore Landfill Master Plan”; and

WHEREAS, as a result of the Actions, the Court issued a Peremptory Writ of Mandate directing the City to “set aside its resolution and/or decision approving the Sycamore Landfill Master Plan, Project No. 5617 (the “Project”) and all related approvals and/or entitlements”; and

WHEREAS, under 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 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; and

WHEREAS, the matter was set for public hearing on SEP 17 2012, 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 the Council rescinds Ordinance No. O-19813 rezoning 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, 26203-2, 26203-4, 26204-2, 26204-3, 26204-4, 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 from the AR-1-2 and RS-1-8 zones to the IH-2-1 zone.

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 this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:mm:sc
8/31/12
09/17/12 COR.COPY
Or.Dept:DSD
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