

ORDINANCE NUMBER O- 20234 (NEW SERIES)DATE OF FINAL PASSAGE JAN 08 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 7.87 ACRES LOCATED AT 11005 WESTVIEW PARKWAY, INTERSECTION OF WESTVIEW PARKWAY AND GALVIN AVENUE, WITHIN THE MIRA MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-1-1 ZONE INTO THE RM-3-8 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406, AND REPEALING ORDINANCE NO.O-12465 ADOPTED ON OCTOBER 17, 1978, OF THE ORDINANCE OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

WHEREAS, Garden Communities requested a rezone for the purpose of changing 7.87 acres located at 11005 Westview Parkway, and legally described as The East 10 acres of the North 25 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the official plat thereof. Excepting there from the North 60 feet thereof lying within the California State Highway II-SD-15. Also excepting therefrom portion deeded to San Diego Unified School District by deed recorded June 13, 1990, as Document No. 1990-321211. Also, excepting therefrom portion taken by City of San Diego by condemnation recorded April 17, 1992, as Document No. 1992-224216. Also, excepting therefrom portion deeded to United States of America by deed recorded January 9, 1995, as File No. 1995-10140, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4292, filed in the office of the City Clerk as Document No. OO- 20234, from the RM-1-1 Zone into the RM-3-8 Zone (Rezone) in connection with the Casa Mira View II Project No. 264497 (Project); and

WHEREAS, on October 4, 2012, the Planning Commission of the City of San Diego considered the requested Rezone and voted 6-0 to approve the proposed rezone; 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 November 26, 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 7.87 acres located at 11005 Westview Parkway, intersection of Westview Parkway and Galvin Avenue, and legally described as The East 10 acres of the North 25 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, in the County of San Diego, State of California, according to the official plat thereof. Excepting therefrom the North 60 feet thereof lying within the California State Highway II-SD-15. Also, excepting therefrom portion deeded to San Diego Unified School District by deed recorded June 13, 1990, as Document No. 1990-321211. Also, excepting therefrom portion taken by City of San Diego by condemnation recorded April 17, 1992, as Document No. 1992-224216. Also, excepting therefrom portion deeded to United States of America by deed recorded January 9, 1995, as File No. 1995-10140, in the Mira Mesa Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4292, filed in the office of the City Clerk as Document No. OO- **20234**

are rezoned from RM-1-1 Zone to the RM-3-8 Zone. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-12465 adopted on October 17, 1978, of the ordinances of the City insofar as the same conflicts 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 prior to the day of 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: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

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