

Item 50 1/14/14

(O-2014-68)

ORDINANCE NUMBER O- 20335 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 14 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 22.42 ACRES LOCATED AT 10137 SCRIPPS GATEWAY COURT, WITHIN THE MIRAMAR RANCH NORTH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE IP-2-1 ZONE INTO THE CR-2-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0503; AND REPEALING ORDINANCE NO. 15612 (NEW SERIES), ADOPTED NOVEMBER 16, 1981, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

WHEREAS, Scripps Highland Partners, LLC, Applicant, requested a rezone for the purpose of changing 22.42 acres, located at 10137 Scripps Gateway Court, and legally described as Lots 1-6 and A-C of Scripps Gateway Unit No. 2, Map No. 14004, in the Miramar Ranch North Community Plan area, in the City of San Diego, California, from the IP-2-1 zone to the CR-2-1 zone, as shown on Zone Map Drawing No. B-4296, on file in the Office of the City Clerk as Document No. OO- 20335 (Rezone No. 651700), and

WHEREAS, on October 24, 2013, the Planning Commission of the City of San Diego considered Rezone No. 651700, and voted 4-1-2 to recommend City Council approval of Rezone No. 651700; and

WHEREAS, the matter was set for public hearing on DEC 16 2013, testimony having been heard, evidence having been submitted and the City Council having full considered the matter and being fully advised concerning the same; 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; NOW, THEREFORE,

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

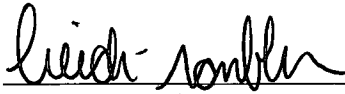
Section 1. That the 22.42-acre site located at 10137 Scripps Gateway Court, and legally described as Lots 1-6 and A-C of Scripps Gateway Unit No. 2, Map No. 14004, in the Miramar Ranch North Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4296, on file in the Office of the City Clerk as Document No. OO- **20335** is rezoned from the IP-2-1 zone to the CR-2-1 zone, as the zone is described and defined by San Diego Municipal Code Section 131.0503. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 15612 (New Series), adopted November 16, 1981, 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 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. 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
11/13/13
Or.Dept:DSD
Doc. No. 673127

Passed by the Council of The City of San Diego on JAN 14 2014, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JAN 14 2014

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 16 2013, and on JAN 14 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

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| <p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>20335</u></p> |
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