

ORDINANCE NUMBER O- 19499 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 20 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A 5.67 ACRES SITE, LOCATED AT 4545 WARING ROAD, IN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CV-1-1 ZONE (FORMERLY KNOWN AS THE CR ZONE), INTO THE RM-2-4 ZONE AND THE RESIDENTIAL TANDEM PARKING OVERLAY ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0406 AND 132.0901, AND REPEALING ORDINANCE NO. O-11582 (NEW SERIES), ADOPTED MAY 8, 1975, ORDINANCE NO. O-9632 (NEW SERIES), ADOPTED MAY 25, 1967, AND ORDINANCE NO. O-9794 (NEW SERIES), ADOPTED APRIL 11, 1968, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HEREWITH.

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 the evidence presented;

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

Section 1. In the event that within three years of the effective date of this ordinance rezoning the subject property, located at 4545 Waring Road, and legally described as a portion of Lot 70 of College Canyon Park, Unit No. 3, Map No. 6287, a portion of Lot 69 of College Canyon Park, Unit No. 2, Map No. 5995 and a portion of Lot 67 of Rancho Mission of San Diego, Map thereof in the action entitled "*Juan M. Luco et al, vs. the Commercial Bank of San Diego, et al*" under Superior Court case No. 348 filed in the office of the County Recorder of San Diego, in the Navajo Community Plan area, in the City of San Diego, California, from the

CV-1-1 zone (previously referred to as the CR zone) to the RM-2-4 zone, as shown on Zone Map Drawing No. B-4233, and the Residential Tandem Parking Overlay zone, as shown on Zone Map Drawing No. B-4234, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] section 131.0406 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the RM-2-4 zone and the Residential Tandem Parking Overlay zone, as described and defined by SDMC section 131.0406, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4233, and Zone Map Drawing No. B-4234, filed in the office of the City Clerk as Document No. OO-19499-1, and OO-19499-2. The zoning shall attach only to those areas included in the map as provided in this section.

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. O-11582 (New Series, adopted May 8, 1975, Ordinance No. 9632 (New Series), adopted May 25, 1967. and Ordinance No. 9794 (New Series), adopted April 11, 1968, are repealed insofar as it 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. 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 therefor was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

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

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Or.Dept:DSD  
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ZONING Rezone With Map 11-01-04