

ORDINANCE NUMBER O- 19553 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 28 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING THE ZONES OF A 12.06-ACRE SITE, LOCATED ON THE SOUTH SIDE OF FAIRBROOK ROAD, EAST OF CAMINITO MAGNIFICA, IN THE SCRIPPS MIRAMAR RANCH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-8 AND RS-1-9 ZONES (PREVIOUSLY REFERRED TO AS THE R1-40000 AND R1-20000 ZONES) INTO THE RS-1-12 AND OP-1-1 ZONES (PREVIOUSLY REFERRED TO AS THE R1-8000 AND OS-P ZONES), AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0403 AND 131.0202; AND REPEALING ORDINANCE NO. 10864 (NEW SERIES), ADOPTED JUNE 29, 1972 AND ORDINANCE NO. 15150 (NEW SERIES), ADOPTED ON JANUARY 7, 1980, 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; NOW, THEREFORE,

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 12.06 acres, located on the south side of Fairbrook Road and east of Caminito Magnifica, and legally described as Lot 40, Scripps Hills Unit No. 1, Map 9953 and Lot 215, Scripps Ranch Estates, Map 9587, in the Scripps Miramar Ranch Community Plan area, in the City of San Diego, California, from the RS-1-8 and RS-1-9 zones (previously referred to as the

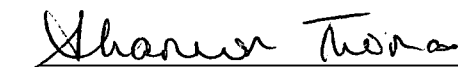
R1-8000 and OS-P zones), as shown on Zone Map Drawing No. B-4244, the property is subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] sections 131.0403 and 131.0202 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the RS-1-12 and OP-1-1 zones, as described and defined by SDMC sections 131.0403 and 131.0202, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4244, filed in the office of the City Clerk as Document No. OO- 19553. 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-10864 (New Series), adopted June 29, 1972 and Ordinance No. 15150 (New Series), adopted on January 7, 1980, are repealed insofar as it 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 unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
10/03/06
Or.Dept:DSD
O-2007-37
MMS#3863

ZONING Rezone With Map 11-01-04

J-19553