

ORDINANCE NUMBER O- 19627 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 05 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING APPROXIMATELY 13 ACRES, LOCATED WITHIN THE BLOCK SURROUNDED BY VANDEVER AVENUE, FAIRMOUNT AVENUE, TWAIN AVENUE, AND MISSION GORGE ROAD, WITHIN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE IL-3-1 AND CC-4-2 ZONES INTO THE RM-3-9 AND CO-1-1 ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0603 AND 131.0507, AND REPEALING ORDINANCE NUMBERS O-11590 AND O-11587 (NEW SERIES), ADOPTED MAY 8, 1975, 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 approximately 10.9 acres (IL-3-1 to RM-3-9) and 2.1 acres (CC-4-2 to CO-1-1) portions of, and located within the block surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road, and legally described as Lots 2 and 3 of Padre Center, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5147, filed in the Office of the County Recorder of San Diego County, April 3, 1963, together with Parcels 1 through 3 inclusive of Parcel Map No. 18793 in the City of San Diego, County of

San Diego, State of California, recorded in the Office of the County Recorder for San Diego County on September 14, 2001 as instrument No. 2001-0663372 of Official Records, in the Navajo Community Plan area together with and to the centerline of those adjoining streets (Vandever Avenue, Mission Gorge Road, Twain Avenue, and Fairmount Avenue) in the Navajo Community Plan area, in the City of San Diego, California, from the IL-3-1 and CC-4-2 zones to the RM-3-9 and CO-1-1 zones, as shown on Zone Map Drawing No. B-4230, 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 131.0603 and 131.0507 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the RM-3-9 and CO-1-1 zones, as described and defined by SDMC sections 131.0603 and 131.0507, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4230, filed in the office of the City Clerk as Document No. OO- 19627. This action amends the Official Zoning Map adopted on February 28, 2006 by Resolution No. R-301263.

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance Nos. O-11587 and 11590 (New Series), adopted May 8, 1975, are repealed insofar as the same conflict with the rezoned uses of the land.

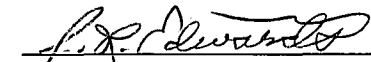
Section 3. That the public necessity or convenience, general welfare, and good zoning practice justify this action.

Section 4. 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 5. 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

  
\_\_\_\_\_  
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
05/04/07  
Or.Dept:DSD  
O-2007-102  
MMS #4435  
ZONING Rezone With Map 11-01-04