

ORDINANCE NUMBER O- 20597 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 26 2016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 3.53 ACRES LOCATED AT 18655 WEST BERNARDO DRIVE WITHIN THE RANCHO BERNARDO COMMUNITY PLAN AREA IN THE CITY OF SAN DIEGO, CALIFORNIA FROM THE AR-1-1 ZONE TO THE RM-2-5 ZONE (REZONE NO. 1409100) AND REPEALING ORDINANCE NO. O-8782, ADOPTED MARCH 1, 1962, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

ITEM # 52

1/26/16

WHEREAS, Joe Tucker, Applicant, requested a rezone for the purpose of changing 3.53 acres gross (2.4 acre net), located at 18655 West Rancho Bernardo Drive, and legally described as all that portion of Lot 9, of Casa de Las Campanas II of San Diego, in the City of San Diego, County of San Diego, State of California, according to partition map on file in the Office of the County Clerk of San Diego County in action No. 11273, in the Superior Court of San Diego County, entitled "Juan M. Luco et al, vs. the Commercial Bank of San Diego et al" in the Rancho Bernardo Community Plan Area from the AR-1-1 zone to the RM-2-5 zone (Rezone No. 1409100, as shown on Zone Map Drawing No. B-4313, on file in the Office of the City Clerk as Document No. OO- 20597 ; and

WHEREAS, on November 19, 2015, Planning Commission of the City of San Diego considered Rezone No. 1409100 and voted 7-0 to recommend City Council approval of Rezone No. 1409100; and

WHEREAS, the matter was set for public hearing on January 11, 2016, testimony having been heard, evidence having been submitted and the City Council having fully 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 3.53-acre site located at 18655 West Bernardo Drive and legally described as All that portion of Lot 9 of Casa de Las Campanas II of San Diego, in the City of San Diego, County of San Diego, State of California, according to partition map on file in the Office of the County Clerk of San Diego County in action No. 11273, in the Superior Court of San Diego County, entitled "Juan M. Luco et al, vs. the Commercial Bank of San Diego et al," in the Rancho Bernardo Community Plan area, as shown on Zone Map Drawing No. B-4313, on file in the Office of the City Clerk as Document No. OO- 20597, is rezoned from the AR-1-1 zone to the RM-2-5 zone as the zone is described and defined by Chapter 13 Article 1 Division 4 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-8782, adopted March 1, 1962, 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 passage, a written or printed copy having been made available to the City Council and the public prior to the day of its 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

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 3.53-acre site located at 18655 West Bernardo Drive and legally described as All that portion of Lot 9 of Casa de Las Campañas II of San Diego, in the City of San Diego, County of San Diego, State of California, according to partition map on file in the Office of the County Clerk of San Diego County in action No. 11273, in the Superior Court of San Diego County, entitled "Juan M. Luco et al, vs. the Commercial Bank of San Diego et al," in the Rancho Bernardo Community Plan area, as shown on Zone Map Drawing No. B-4313, on file in the Office of the City Clerk as Document No. OO-20597, is rezoned from the AR-1-1 zone to the RM-2-5 zone as the zone is described and defined by Chapter 13 Article 1 Division 4 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

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Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its 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 therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *KM Halsey*
Keely M. Halsey
Deputy City Attorney

KMH:als
12/21/2015
Or.Dept:DSD
Doc. No. 1178180

Passed by the Council of The City of San Diego on JAN 26 2016, 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"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 26 2016.

AUTHENTICATED BY:

KEVIN L. FAULCONER
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

JAN 11 2016

JAN 26 2016

, and on _____.

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.

(Seal)

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

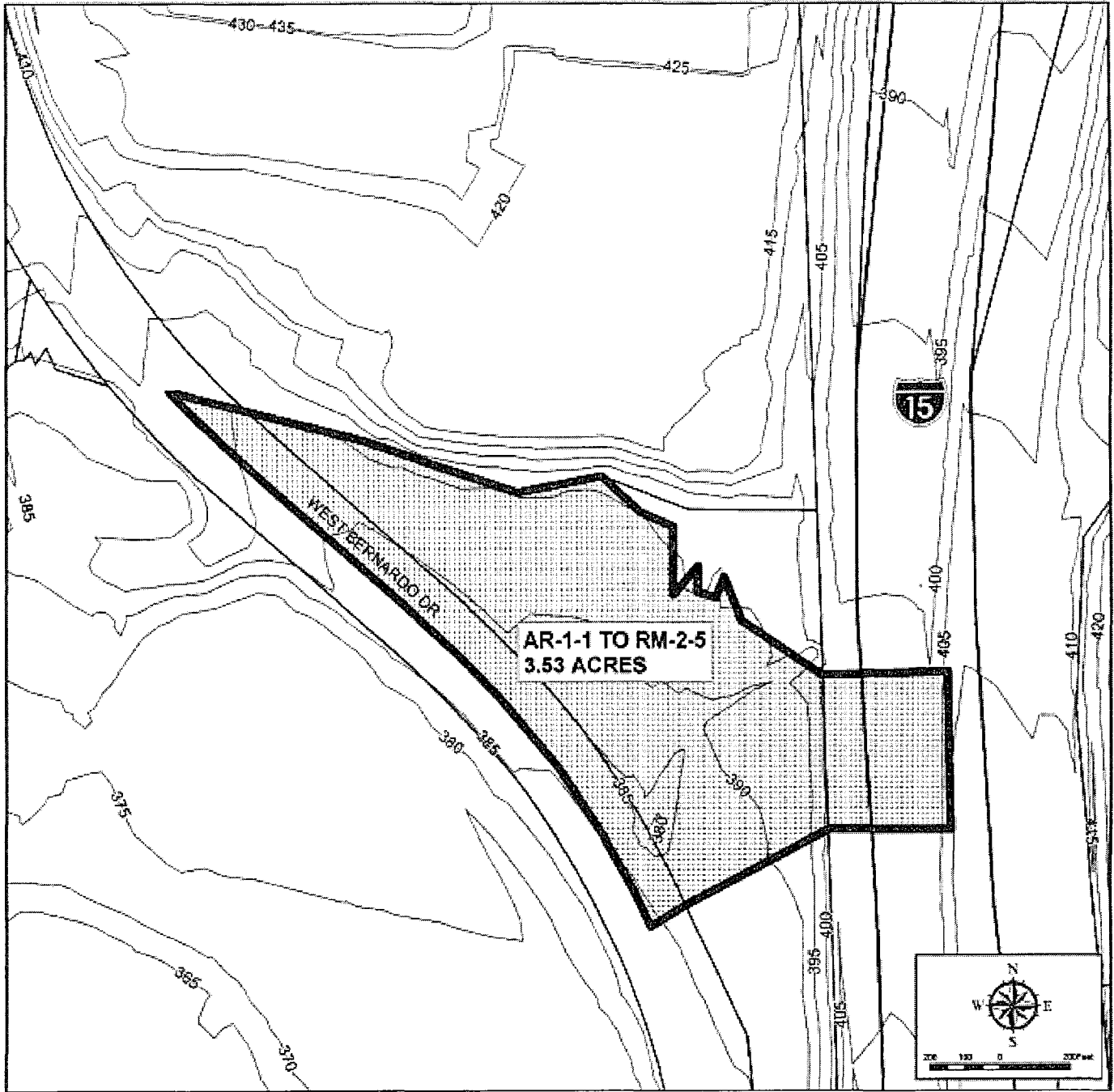
By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20597



PROPOSED REZONING



PAR B SEC 15-13-ZW DOC 96-08121		CASE NO. PTS 400695
ORDINANCE NO. _____	REQUEST RM-2-5	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B- 4313
BEFORE DATE _____		APN: 272-110-44
EFF. DATE ZONING _____		(322-1737) 10-21-15 ldj
MAP NAME AND NO. _____		

00-20597