

ORDINANCE NUMBER O- 19548 (NEW SERIES)

MEET

DATE OF FINAL PASSAGE OCT 17 2006

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 12.25 ACRES, LOCATED AT 11921 CARMEL CREEK ROAD, IN THE CARMEL VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE MF1 AND OS ZONE TO THE MF3 ZONE AND FROM THE MF1 ZONE TO THE OS ZONES, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 103.0609 AND 103.0614; AND REPEALING ORDINANCE NOS. 17410 N.S. (NEW SERIES) AND 18478 N.S. (NEW SERIES), ADOPTED JANUARY 8, 1990 AND APRIL 7, 1998, RESPECTIVELY, 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. That 12.25 acres, located at 11921 Carmel Creek Road, and legally described as westerly 590.84 feet of the east 1/2 of the Southeast 1/4 of Section 19, Township 14 South, Range 3 West, San Bernardino Meridian, County of San Diego, State of California, lying southerly of the center line of Carmel Valley Road, shown on County Road Survey No. 758, filed in the office of the County Surveyor, described in deed to the County of San Diego recorded September 29, 1938, in Book 819, Page 365 of Official Records, excepting therefrom all that portion thereof as condemned in the certain final order of condemnation recorded March 7, 1994 as File No. 1944-173263 of Official Records, in the Carmel Valley Community Plan

area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4219, are rezoned from the MF1 and OS zones to the MF3 zone and from the MF1 to the OS zone, as the MF3 and OS zones are described and defined by San Diego Municipal Code Chapter 10, Article 3, Division 6. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance Nos. 17410 N.S. (New Series) and 18478 N.S. (New Series), Adopted January 8, 1990 and April 7, 1998, respectively, are repealed insofar as they conflict with the rezoned uses of the land.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. The provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this ordinance as a Local Coastal Program amendment. If this ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

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

Zone Map Drawing No. B-4219,
is on file in the Office of
the City Clerk as Document No.
00-19548.

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Or.Dept:DSD
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