

ORDINANCE NUMBER O- 19826 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 06 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.17 ACRES LOCATED IN THE BLOCK BOUNDED BY UNIVERSITY AVENUE, 43<sup>RD</sup> STREET, FAIRMOUNT AVENUE AND POLK AVENUE, WITHIN THE CITY HEIGHTS NEIGHBORHOOD OF THE MID-CITY COMMUNITIES PLAN AREA IN THE CITY OF SAN DIEGO FROM THE CT-2-3 AND CU-2-3 ZONES OF THE CENTRAL URBANIZED PLANNED DISTRICT, INTO THE CU-2-4 ZONE OF THE CENTRAL URBANIZED PLANNED DISTRICT, AS DEFINED BY CHAPTER 15, ARTICLE 5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE; AND REPEALING ORDINANCE NO. O-18855 (NEW SERIES), ADOPTED OCTOBER 2, 2000, OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS 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; and

WHEREAS, the matter was set for public hearing on JAN 06 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That 4.17 acres, roughly bounded by University Avenue, 43<sup>rd</sup> Street, Fairmount Avenue and Polk Avenue, and legally described as Parcels 1 through 4, inclusive of Parcel Map No. 19854; together with Lots 25 through 28, inclusive in Block 46 of City Heights, per Map thereof No. 1007, excepting therefrom the easterly 10 feet; together with the easterly 10

feet of the vacated unnamed alley abutting said Lots 25 through 28, in the City Heights neighborhood of the Mid-City Communities Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4274 filed in the office of the City Clerk as Document No. OO- 0826, are rezoned from the CT-2-3 and CU-2-3 Zones of the Central Urbanized Planned District into the CU-2-4 Zone of the Central Urbanized Planned District; as the zones are described and defined by San Diego Municipal Code Chapter 15 Article 5 Division 2. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

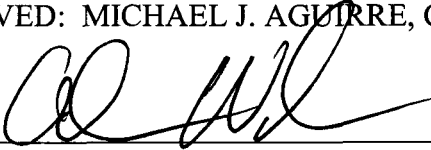
Section 2. That Ordinance No. O-18855 (New Series), adopted October 2, 2000, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its 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 therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By:

  
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Adam Wander  
Deputy City Attorney

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Or.Dept:DSD  
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