

3/03/09

ORDINANCE NUMBER O- **19835** (NEW SERIES)

DATE OF FINAL PASSAGE **MAR 03 2009**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 2.132-ACRES LOCATED AT THE END OF LA HARINA COURT AND BORDERED ROUGHLY TO THE SOUTH BY ADOBE BLUFFS ROAD, TO THE WEST, EAST, AND NORTH BY SINGLE-FAMILY HOMES IN THE AR-1-1 ZONE, WITHIN THE TORREY HIGHLAND SUBAREA PLAN IV, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE AR-1-1 ZONE INTO THE RS-1-13 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0401; AND REPEALING ORDINANCE NO. 18451 NEW SERIES, ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, on October 5, 2001, Torrey Brooke Development Inc., Owner/Permittee submitted an application to the City of San Diego for a rezone, public right-of-way vacation, tentative map, planned development permit/site development permit; and

WHEREAS, under Municipal Code section 123.0103, a property owner may commence a zoning or rezoning action by filing an application; and

WHEREAS, under Municipal Code section 123.0105 the City Council may approve a zoning or rezoning action whenever public necessity or convenience, the general welfare, or good zoning practice justifies this action; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and 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 the 2.132-acres located at the end of La Harina Court, bordered roughly to the south by Adobe Bluffs Road, and bordered to the west, east, and north by single-family homes, and legally described as remainder Parcel of Torrey Brook, Tract No. 98-1189, Map No. 14383, recorded May 1, 2002, in the Torrey Highland Subarea Plan IV, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4264, filed in the office of the City Clerk as Document No. OO- 19835, are rezoned from the AR-1-1 zone to the RS-1-13 zone described and defined by San Diego Municipal Code section 131.0401. This action amends the Official Zoning Map adopted by Resolution R-301263 on March 14, 2006.

Section 2. That Ordinance No. 18451 New Series, adopted December 9, 1997 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 passage, since a written copy was 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 7-7
Nina M. Fain
Deputy City Attorney

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