

ORDINANCE NUMBER O- 20245 (NEW SERIES)

ITEM # 331  
2/26/13  
SUB-C

DATE OF FINAL PASSAGE MAR 12 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 1.55 ACRES LOCATED AT 5150 ZION AVENUE, WITHIN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE EXISTING RS-1-7 ZONE INTO THE RM-3-9 ZONE AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406 (REZONE NO. 939588); AND REPEALING ORDINANCE NO. O-7792, ADOPTED OCTOBER 21, 1958, OF THE ORDINANCES OF THE CITY OF SAN DIEGO, INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, George Harb, Owner, and Fore Property Company, Permittee, requested a rezone for the purpose of changing 1.55 acres located at 5150 Zion Avenue and legally described as Parcel B of Parcel Map No. 1381, in the Navajo Community Plan area, in the City of San Diego, California, from the RS-1-7 to the RM-3-7 zone, as shown on Zone Map Drawing No. B-4295, on file in the Office of the City Clerk, as Document No. OO- 20245 (Rezone) No. 939588; and

WHEREAS, on January 17, 2013, the Planning Commission of the City of San Diego considered Rezone No. 939588 and voted to recommend approval of Rezone No. 939588; 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, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is 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 February 26, 2013, 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 the 1.55 acres located at 5150 Zion Avenue and legally described as Parcel B of Parcel Map No. 1381, in the Navajo Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4295, on file in the Office of the City Clerk, as Document No. OO- 20245, are rezoned from the RS-1-7 zone to the RM-3-7 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-7792 adopted October 21, 1958, 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. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:   
Keely M. Halsey  
Deputy City Attorney

KMH:als  
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