

ORDINANCE NUMBER O- 21039 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 29 2019

ITEM #5/a
1/29/19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 6.92 ACRES LOCATED AT 1579-1645 MORENA BOULEVARD, WITHIN THE CLAIREMONT MESA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-7 AND CC-4-2 ZONES INTO THE RM-2-5 ZONE AND REPEALING ORDINANCES NO. O-85 AND NO. O-17372 (NEW SERIES), ADOPTED NOVEMBER 21, 1932 AND OCTOBER 16, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Fairfield SD Coastal LLC, a Delaware limited liability company, requested to rezone 2.20 acres of land from the CC-4-2 zone and 4.72-acres from the RS-1-7 (Single-Family Residential) into the RM-2-5 (Residential Multiple Unit) zone in the Clairemont Mesa Community Plan area; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego on January 8, 2019; 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 subject 2.20 acres and 4.72 acres located at 1579-1645 Morena Boulevard, within the Clairemont Mesa Community Plan area, and legally described as those portions of Parcel 1 and Parcel 2 of Pueblo Lot 256, of the Pueblo Lands of San Diego, in the City and County of San Diego, State of California, according to Map thereof made by James

Pascoe in 1870, filed in the Office of the County Recorder November 14, 1921, and is known as Miscellaneous Map 36, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4335, filed in the office of the City Clerk as Document No. OO- **21039** are rezoned from the RS-1-7 (Single-Family Residential) and CC-4-2 (Commercial Community) zones into the RM-2-5 zone (Residential Multiple Unit), as the zone described and defined by San Diego Municipal Code Section 131.0406. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-85 (New Series), adopted November 21, 1932, 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 Ordinance No. O-17372 (New Series), adopted November 21, 1932, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 4. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. 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 therefor was made prior to the date of adoption of this ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By

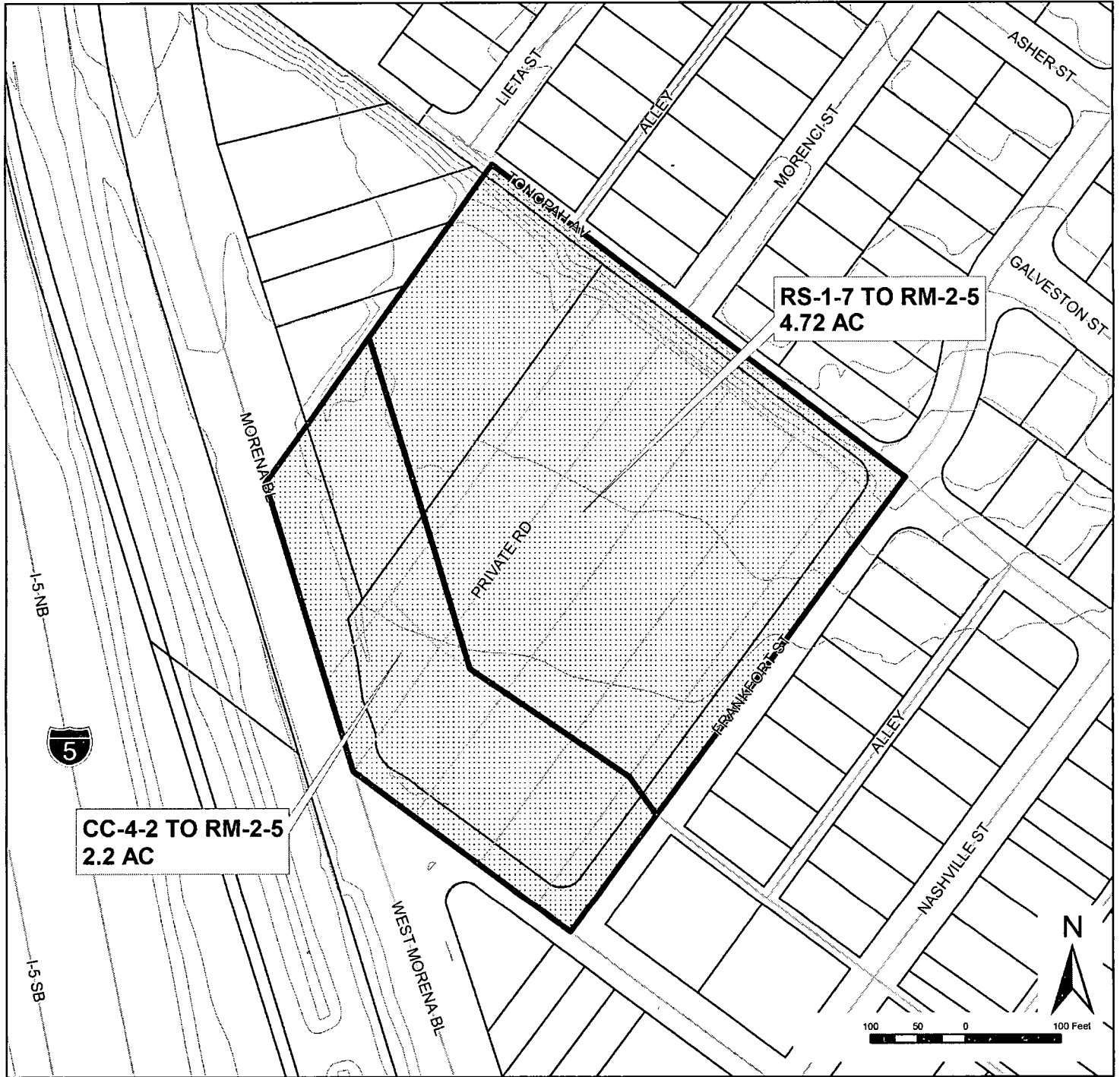
A handwritten signature in black ink, appearing to read 'Corrine L. Neuffer', is written over a horizontal line. The signature is stylized with a large loop at the beginning.

Corrine L. Neuffer
Deputy City Attorney

CLN:als
11/08/2018
Or.Dept:DSD
Doc. No.: 1868004

Attachment: Rezone Map Drawing No. B-4335

PROPOSED REZONING



LOT 25 & 256 POR

CASE NO. PTS 526167

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST RM-2-5
PLANNING COMM. RECOMMENDATION
CITY COUNCIL ACTION

DEVELOPMENT SERVICES DEPARTMENT
 MANAGER

B- 4335

APN: 436-020-40 & 41

(222-1704) 8-16-2018 LDJ

Passed by the Council of The City of San Diego on JAN 29 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 29 2019.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, 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 08 2019

, and on JAN 29 2019.

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.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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