

ORDINANCE NUMBER O- 19700 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 08 2008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 4.58 ACRES, LOCATED BETWEEN COMMERCIAL STREET, BEARDSLEY STREET AND IRVING AVENUE, AND BETWEEN 21ST STREET AND HARRISON AVENUE, WITHIN THE SOUTHEASTERN SAN DIEGO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE SOUTHEAST SAN DIEGO PLANNED DISTRICT MF-3000 AND I-1 ZONES INTO THE COMMERCIAL CC-3-5 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507, AND REPEALING ORDINANCE NOS. O-17410 (NEW SERIES) ADOPTED JANUARY 8, 1990 AND O-18478 (NEW SERIES), ADOPTED APRIL 7, 1998, 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 4.58 acres, located between Commercial and Beardsley Streets, between 21st Street and Harrison Avenue, (see legal description attached as Exhibit "B"), in the Southeastern San Diego Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4254, on file in the office of the City Clerk as Document No.

OO- 19700 are rezoned from the Southeast San Diego Planned District MF-3000 and I-1 zones into the Commercial CC-3-5 zone, , as the zone is described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 5. This action amends the Official Zoning Map

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adopted by Resolution No. R-301263 on February 28, 2006, with final passage date of March 14, 2006.

Section 2. That Ordinance No. O-17410 (New Series) adopted January 8, 1990 and Ordinance No. O-18478 (New Series) adopted April 7, 1998, of the ordinances of the City of San Diego are repealed insofar as the same conflict with the rezoned uses of the land.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 final 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: MICHAEL J. AGUIRRE, City Attorney

By


Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/16/07
Or.Dept:DSD
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Legal Description

Exhibit "B"

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel A:

Lots 39 to 44 inclusive in Block 227 of Mannasse and Schiller's Addition, according to the Map thereof No. 209 filed in the Office of the Recorder of San Diego County, July 11th, 1870.

Together with those portions of Fractional Lots 45 to 48, in Block 227 of Mannasse and Schiller's Addition, being a Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 209 filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with those portions of Lots 1, 2 and 3 in Block 64 of Sherman's Addition, according to Map thereof No. 856 filed in the Office of the Recorder of San Diego County, February 18, 1899, lying South of the South line of Irving Avenue as conveyed to City of San Diego by John J. McCook by Deed dated June 15, 1893 and recorded in Book 222 Page 183 of Deeds in records of San Diego County, in the Office of the County Recorder of San Diego County.

Parcel B:

Fractional Lots eighteen (18) to twenty-two (22) inclusive in Block two hundred twenty-eight (228) of Mannasse and Schiller's Addition, according to Map thereof made by Chas A. Fox, No. 209, filed in the Office of the County Recorder of said San Diego County, July 11, 1870, excepting therefrom that portion of Lots eighteen (18) and nineteen (19) conveyed to the City of San Diego, and also excepting those portions of Lots eighteen (18), nineteen (19) and twenty (20), lying North of a line running parallel with and twelve (12) feet distant Southerly from the Northerly boundary line of said Mannasse and Schiller's Addition.

Together with Lots twenty-three and twenty-four in Block two hundred twenty-eight of Mannasse and Schiller's Subdivision of Pueblo Lot 1157, according to the Map thereof No. 209, filed in the Office of the Recorder of said San Diego County, July 11, 1870.

Also together with that portion of Beardsley St. vacated in Resolution No. 49206 dated February 25, 1929.

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Parcel C:

Lots eight, nine, ten and eleven in Block two hundred thirty-eight of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870.

Together with that portion of Lots three to eight inclusive lying Northeasterly of Irving Avenue as now extended in Block sixty-four of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of San Diego County, February 18, 1899.

Parcel D:

Fractional Lots 1 to 5 inclusive and Lots 6 to 8 inclusive in Block 237 of Lincoln Park, in the City of San Diego, County of San Diego, State of California, according to Map No. 478 filed in the Office of the Recorder of said San Diego County, January 4, 1888; also Fractional Lots 30 to 33 inclusive in Block 238 of San Diego Land and Town Company's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 379 filed in the Office of the Recorder of said San Diego County, October 30, 1886.

Together with that portion of Lots nine, ten and eleven in Block two-hundred thirty-seven of Lincoln Park, according to Map thereof No. 478 filed in the Office of the Recorder of San Diego County, January 4, 1888, which lie within the Southwest Quarter of Pueblo Lot 1154.

Parcel E:

Lots ten, eleven and twelve (10, 11 and 12) of Fractional Block sixty-five (65), heretofore conditionally deeded to the City of San Diego Board of School Trustees, of Sherman's Addition to San Diego as per official Map on file in County Recorder's Office of the County of San Diego and State of California.

Together with Lots one (1) and two (2) in Block sixty-five of Sherman's Addition, according to the Map thereof No. 856, filed in the Office of the Recorder of said San Diego County, February 18, 1899.

Also together with Lot three (3) in Block sixty-five (65) of Sherman's Addition, according to Map thereof No. 856, filed in the Office of the County Recorder of said San Diego County, February 18, 1899.

Also all those portions of Lots eighteen (18), nineteen (19) and twenty (20), in Block two hundred twenty-eight (228) of the Subdivision of Pueblo Lot 1157, commonly known as Mannasse and Schiller's Addition, according to Map thereof No. 209,, filed in the Office of the County Recorder of said San Diego County July 11, 1870, that lie North of a line parallel with and 12 feet distant at right angles Southerly from the North boundary line of said Mannasse and Schiller's Addition. Excepting from said portion of Lot 16 that portion thereof that was conveyed to the City of San Diego by Deed from Celia Schiller recorded in Book 237, Page 75 of Deeds.

538-100-26, 27, 28 and 29; 538-120-01 and 17; 535-660-34; 535-640-13, 14, 15 and 16

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