

ORDINANCE NUMBER O- 20872 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 31 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 18.13 ACRES LOCATED AT 875 HOTEL CIRCLE SOUTH, WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE MVPD-MV-M/SP ZONE INTO THE MVPD-MV-CV ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 15, ARTICLE 14, DIVISION 3, AND REPEALING ORDINANCE NO. 17499, ADOPTED JULY 23, 1990, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT-HEREWITH.

WHEREAS, Resolution No. R311371, which was considered along with this Ordinance, proposes an amendment to the General Plan, Mission Valley Community Plan and Atlas Specific Plan; and

WHEREAS, Legacy Center Foundation, LLC, Applicant, requested a rezone for the purpose of changing 18.13 acres, located at 875 Hotel Circle South, and legally described as Lot 1 of Mission Valley Inn, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 3347, filed in the Office of the County Recorder of San Diego County, December 28, 1955 in the Mission Valley Community Plan area from the MVPD-MV-M/SP Zone into the MVPD-MV-CV Zone (Rezone No. 1897177), as shown on Zone Map Drawing No. B-4323, on file in the Office of the City Clerk as Document No. OO-20872; and

WHEREAS, on June 8, 2017, Planning Commission of the City of San Diego considered Rezone No. 1897177 and voted 6-0-0 to recommend City Council approval of Rezone No. 1897177; 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,

WHEREAS, the matter was set for public hearing on October 17, 2017, 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 18.13 acres located at 875 Hotel Circle South, and legally described as Lot 1 of Map No. 3347, in the Mission Valley Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4323 filed in the Office of the City Clerk as Document No. OO- 20872, is rezoned from the MVPD-MV-M/SP Zone to the MVPC-MV-CV zone, as the zone is described and defined by Chapter 15, Article 14, Division 3 of the San Diego Municipal Code Chapter 15 Article 14 Division 3. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

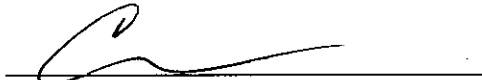
Section 2. That Ordinance No. 17499 (New Series), adopted July 23, 1990, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

Section 3. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been 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 or the date that R- 311371 adopting the amendment to the General Plan, Mission Valley Community Plan and Atlas Specific Plan becomes effective, whichever date occurs later. In addition, no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless an application therefor was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

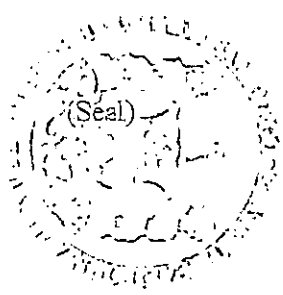
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Passed by the Council of The City of San Diego on OCT 31 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<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"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 31 2017

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.

By Linda Bruin, 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

OCT 17 2017, and on OCT 31 2017

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.

By Linda Bruin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20872</u>