

20923

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE APR 10 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING A PORTION OF 39.72-ACRES LOCATED AT 500 HOTEL CIRCLE NORTH, WITHIN THE MISSION VALLEY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA FROM THE OF-1-1 ZONE INTO THE MISSION VALLEY PLANNED DISTRICT MV-M ZONE AND FROM THE MISSION VALLEY PLANNED DISTRICT MV-M/SP ZONE INTO THE MISSION VALLEY PLANNED DISTRICT MV-M ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0205 AND 1514.0307; AND REPEALING ORDINANCE NO. O-18451 NS (NEW SERIES), ADOPTED DECEMBER 9, 1997, AND ORDINANCE NO. O-17499 NS (NEW SERIES), ADOPTED JULY 23, 1990, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS 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 evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 2.0-acres of a 39.72 site located at 500 Hotel Circle North, and legally described in Exhibit A, in the Mission Valley Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4324, filed in the office of the City Clerk as Document No. OO-20923, are rezoned from the OF-1-1 Zone into the Mission Valley Planned District MV-M Zone, and 31.30-acres of this site are rezoned from the Mission Valley Planned District MV-M/SP Zone into the Mission Valley Planned District MV-M Zone,

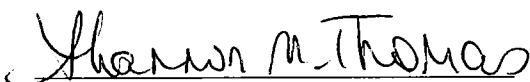
as the zones are described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 2 and Chapter 15 Article 14 Division 3. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-18451 NS (New Series), adopted December 9, 1997, and Ordinance No. O-17499 NS (NEW SERIES), adopted July 23, 1990, of the ordinances of the City of San Diego are 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 copy having been made available to the City Council and the public a day prior to its final passage.

Section 4. 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 
Shannon M. Thomas
Deputy City Attorney

SMT:als:dkr
8/28/2017
Or.Dept:DSD
Doc. No.: 1532101

Attachment: Exhibit A – Legal Description

EXHIBIT A

The project site is legally described as:

Parcel A: All that Portion of Lot 2 of Mission Valley Ball Park, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 3755, filed in the Office of the County Recorder of San Diego County, December 6, 1957, described as follows: Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2, North 14° 55' 19" West -record North 15° 20' 48" West- 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170, on file in the Office of said County Recorder, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence easterly along said curve and along said southerly boundary of Fashion Valley through a central angle of 01° 45' 56" an arc distance of 154.08 feet; thence tangent to said curve North 68° 59' 50" East, along said southerly boundary, 508.97 feet, more or less, to a point in the westerly line of Lot 8, E. W. Morse's Subdivision, Map No. 103, on file in the Office of the County Recorder of said County, being also a point in the boundary of said Mission Valley Ball Park; thence along said boundary the following courses: South 14° 50' 59" East -record South 15° 20' 48" East- 105.41 feet; South 74° 55' 10" West- record South 74° 39' 12" West- 65.00 Feet; South 14° 50' 59" East- Record South 15° 20' 48" East- 224.68 feet; South 75° 52' 53" West 594.22 Feet- Record South 75° 24' 12" West, 594.20 feet- to the point of beginning;

Parcel B: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029 made in the action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County Of San Diego, filed in the County Clerk's Office, described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15" West- 1485.00 feet; thence leaving said easterly line South 75° 20' West 275.10 feet to the true point of beginning; thence continuing South 75° 20' West 74.90 feet to a tangent 233.12 foot radius curve to the left; thence southwesterly along the arc of said curve 307.43 feet, more or less, through a central angle of 75° 33' 34" to the southerly line of that parcel of the land described in the Deed to E. A. Wittmer, recorded March 20, 1947, as File No. 30506, in Book 2349, Page 466 of Official records; thence South 75° 20' West along said southerly line and its westerly prolongation 497.20 feet, more or less, to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line North 15° 30' 45" West 89.12 feet to a tangent 60.00 foot radius curve, the center of which bears North 74° 29' 15" East from the point of tangency; thence southeasterly along the arc of said curve 93.36 feet, through a central angle of 89° 09' 15" thence tangent to said curve North 75° 20' East 14.47 feet to a tangent 25 foot radius curve to the left; thence northeasterly along the arc of said curve 19.93 feet, through a central angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 Feet 43030662P -U50 to a tangent 500 foot radius curve to the right; thence northeasterly along the arc of said curve 148.60 feet, more or less, through a central angle of 17° 01' 43" to a line which bears South 15° 30' 45" East from the southeasterly corner of a parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded North 4, 1949 as File No. 102379 in Book 3376, Page 102 of Official Records; thence North 15° 30' 45" West 127.13 feet, more or less, to a line which is parallel with and 25 feet southerly at right angles from the southerly line of said Roberts land; thence along said parallel

line North 74° 29' 15" East 440.61 feet, more or less, to a line which bears North 15° 25' West from the true point of beginning thence South 15° 25' East along said line 236.25 feet, more or less, to the true point of beginning;

Parcel C: All that portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: beginning at a point in the easterly line of said Lot 4 distant along said line North 14° 55' 19" West-record North 15° 15' 00" West- 1485.00 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly line, North 14° 55' 19" West 254.05 feet to a point in the southerly boundary of Fashion Valley, Map No. 6170 filed in the Office of the Recorder of said County, said point being also on a 5,000 foot radius curve, concave northerly, a radial line to said point bears South 19° 14' 14" East; thence westerly along said curve, and along said southerly boundary through a central angle of 04° 15' 04" an arc distance of 370.98 feet- record 370.10 feet; thence tangent to said curve, along said southerly boundary, South 75° 00' 50" West, 734.57 feet to the southwest corner of said Map No. 6170; thence leaving said boundary South 14° 59' 10" East along the westerly line of said Lot 4, 399.06 feet, more or less, to the northwest corner of that parcel of land described in Parcel I in Deed to Town And Country Development, Inc., recorded August 16, 1961 as File No. 140984 of Official Records; thence easterly along the northerly line of said Parcel L, North 75° 51' 31" East -record North 75° 20' 00" East- 530.32 feet to a point in a non-tangent 233.12 foot radius curve, concave southeasterly, said point being the southeasterly corner of land described in Deed to Everett C. Davis And Ellen S. Davis recorded August 31, 1961 as File No. 151988 of Official Records: thence northerly and easterly along said curve and along the boundary of said Davis' land an arc distance of 304.40 feet, more or less, thence continuing along said boundary of Davis' land, North 75° 00' 50" East- record North 75° 20' 00" East- 330.00 feet, more or less, to a point which lies 20.00 feet, measured at right angles, from said easterly line of Lot 4; thence southerly, parallel with said easterly line of Lot 4, 175.00 feet; thence easterly, at right angles, to the last described course 20.00 feet to a point in said easterly line of Lot 4; thence northerly along said easterly line of Lot 4; I 75.00 feet to the point of beginning. Excepting therefrom the above described Parcel C all that portion included within that Parcel I described in Deed to Betty Fowler, recorded February 6, 1952 In Book 4364, Page 164 of Official Records. Also excepting therefrom all that land described above as Parcel B. Also excepting therefrom that portion lying within Fashion Valley Road. Said land is shown on Record of Survey No. 2595, recorded January 25, 1951;

Parcel D: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4, distant along said line, North 15° 25' West- record North 15° 15' West- 1485.00 feet from the southeasterly corner of said Lot 4; thence South 75° 20' West, 54.61 feet to the true point of beginning said point being the beginning of a tangent 30 foot radius curve, concave southwesterly, having a radius of 30.00 feet; thence easterly and southeasterly along said curve, through a central angle of 89° 15', a distance of 46.73 feet; thence South 15° 25' East, 145.39 feet to a point in the southerly line of Parcel I of that land described in the Deed to

E. A. Widmer, recorded on March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records: thence along the southerly line of said Parcel I, South 75° 20' West, 250.10 feet; thence North 15° 25' West, 175.00 feet to an intersection with a line bearing South 75° 20' West, from the true point of beginning; thence North 75° 20' East, 220.49 feet to the true point of beginning;

Parcel E: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point in the easterly line of said Lot 4 distant along said line North 15° 25' West (record North 15° 15' West) 1310 feet from the southeasterly corner of said Lot 4; thence continuing along said easterly lot line, North 15° 25' West 175 feet; thence South 75° 20' West 350 feet to the beginning of a 233.12 foot radius curve concave southeasterly, a radial line at said point bearing North 15° 25' West, being also the true point of beginning of the property herein described; thence southwesterly along said curve 307.43 feet- record 304.40 feet - more or less, to the southerly line of that Parcel I of the land described in the Deed To E. A. Wittmer, recorded March 20, 1947 as Document No. 30506, in Book 2349, Page 466 of Official Records; thence along said southerly line of Wittmer's Parcel I, North 75° 20' East 302.95 Feet - record North 75° 30' East 300 feet - more or less, to the southwesterly corner of that parcel of land described in the Deed to Arthur H. Marx Et Ux, recorded March 19, 1951 as Document No. 34219 in Book 4016, Page 207 of Official Records; thence North 15° 25' West along said Marx Land, 175 feet to the northwesterly corner thereof; thence South 75° 20' West 74.90 feet to the true point of beginning;

Parcel F: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at a point on the easterly line of Lot 4 distant thereon North 15° 25' 00" West 1485.00 feet from the southerly corner thereof; thence South 75° 20' West 54.61 feet to a tangent 30.00 foot radius curve concave southwesterly and being the true point of beginning; thence southeasterly along the arc of said curve 46.73 feet; thence leaving the arc of said curve South 15° 25' 00" East 145.39 feet; thence North 75° 20' 00" East to a point which bears South 75° 20' 00" West 20.00 feet from said easterly line; thence North 15° 25' 00" West- record thence along said easterly line -175.00 feet; thence South 75° 20' 00" West record thence leaving said easterly line- to the true point of beginning ;

Parcel G: That portion of Lot 4 of partition of Pueblo Lot 1105, in the City of San Diego, County of San Diego, State of California, according to Referee's Map No. 1029, made in action of *Thomas J. Daley vs. Arpad Haraszthy, et al*, in the Superior Court of the County of San Diego, filed in the County Clerk's Office described as follows: Commencing at the southeasterly corner of said Lot 4; thence along the easterly line of said lot North 15° 25' West -record North 15° 15' West-1725.31 feet to a line which is parallel with and 25 feet southerly at right angles from the location and prolongation of the southerly line of that parcel of land described in Deed to Dr. Norman C. Roberts, Et Ux, recorded November 4, 1949 as Document No. 102379 in Book 3376, Page 102 of Official Records; thence along said parallel line South 74° 29' 15" West

715.69 feet to an intersection with a line which bears South 15° 30' 45" East from the southeasterly corner of said Roberts land; said intersection being the true point of beginning of the property herein described: thence continuing along said parallel line South 74° 29' 15" West, 360.14 feet to the easterly line of the westerly 30 feet of said Lot 4; thence along said easterly line South 15° 30' 45" East 310.32 feet to the beginning of a tangent 60 foot radius curve, concave northeasterly; thence southerly, southeasterly and easterly along said curve, 93.36 feet through an angle of 89° 09' is"; thence tangent to said curve North 75°20' East 14.47 feet to the beginning of a tangent 25 foot radius curve, concave northwesterly; thence northeasterly along said curve 19.93 feet through an angle of 45° 41'; thence tangent to said curve North 29° 39' East 210.51 feet to the beginning of a tangent 500 foot radius curve, concave southeasterly; thence northeasterly along said curve 148.60 feet through an angle of 17°01'43"- record northeasterly along said curve 140 feet - more or less, to a line which bears South 15° 30' 45" East from the true point of beginning; thence North 15° 30' 45" West 127.13 feet- record 121 feet- more or less to the true point of beginning;

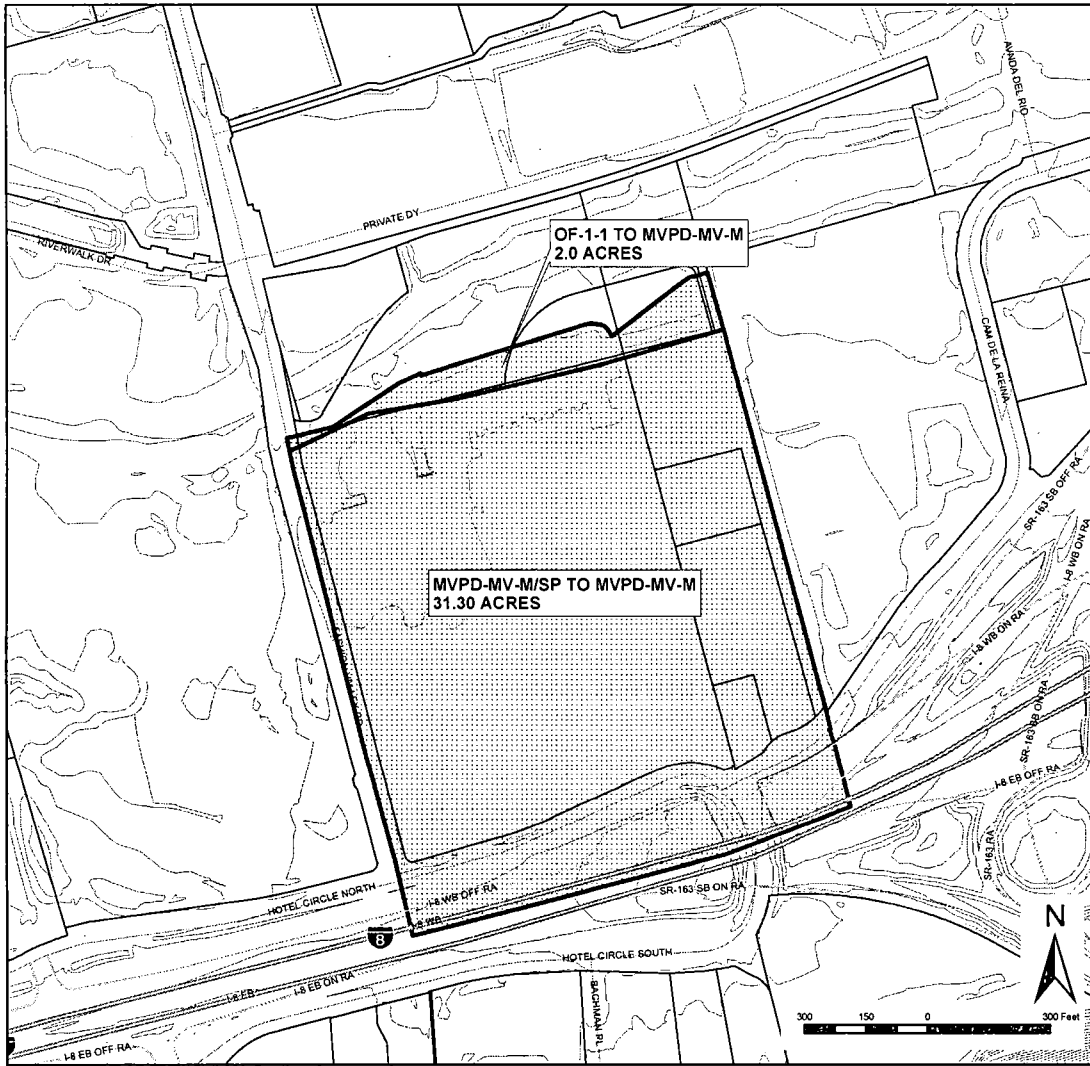
Parcel H: Lot 1 of Town and Country Hotel, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6274, filed in the Office of the County Recorder of San Diego County, January 24, 1969; and

Parcel I: Lots 1 and 2 of Seven Inns Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5671, filed in the Office of the County Recorder of San Diego County, December 30, 1965.



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



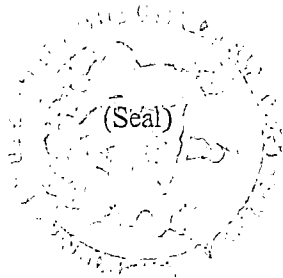
LOT 1, 2 & 4 *(EX ST&DOC96-601693)PAR A,B&C PER DOC68-190626		CASE NO.
ORDINANCE NO. _____	REQUEST MVPD-MV-M	DEVELOPMENT SERVICES MANAGER
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B- 4324
BEFORE DATE _____		APN:437-260-18 thru 49
EFF. DATE ZONING _____		(216-1716 & 218-1716) 4-11-17 LDJ
MAP NAME AND NO. _____		

Passed by the Council of The City of San Diego on APR 10 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 10 2018

AUTHENTICATED BY:



KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

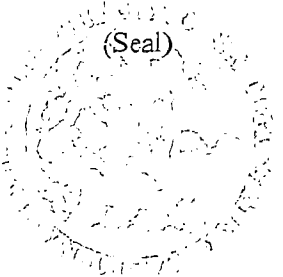
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, 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

MAR 20 2018, and on APR 10 2018

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 Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20923</u>