

RESOLUTION NUMBER R- 301318
DATE OF FINAL PASSAGE MAR 21 2006

WHEREAS, Constellation Property Group (Hancock) a Delaware Limited Partnership, requested an amendment to the Progress Guide and General Plan and the Midway/Pacific Highway Corridor Plan in order to redesignate an approximately 0.89-acre site from Light Industrial to Very High Residential (75-110 dwelling units per acre); and

WHEREAS, the site is located at 2015 Hancock Street and legally described as Parcel 1 of Parcel Map No. 17813 in Block 208 of Middletown, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, January 16, 1996 as instrument no. 96-0021400 of official records. Excepting all oil, gas and other hydrocarbon and mineral substances (except water) lying not less than 100 feet below the surface of said real property, provided that Santa Fe, it's successors and/or assigns, shall not have the right to go upon the surface of said real property for the purpose of extracting said oil, gas or other hydrocarbon and mineral substances, nor for any purpose in connection therewith, but shall have the right to extract and remove said oil, gas or other hydrocarbon and mineral substances together with that portion of Wright Street adjoining said land on the west as vacated and closed by resolution recorded November 3, 1983 as File No. 83-399390 of official records; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, on October 27, 2005, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan and the Midway/Pacific Highway Corridor Community Plan; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the Progress Guide and General Plan; and

WHEREAS, under Charter section 280(a)(2) this resolution 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; and

WHEREAS, on MAR 21 2006, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan and the Midway/Pacific Highway Corridor Community Plan; and

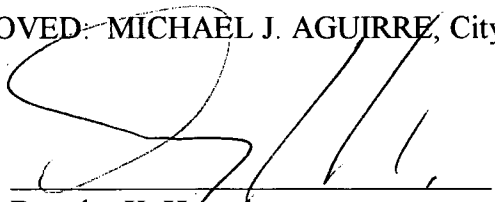
WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts the amendments to the Midway/Pacific Highway Corridor Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR- 301318.

BE IT FURTHER RESOLVED, that the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev

11/07/05

Or.Dept:DSD

R-2006-468

MMS #2735

Community Plan Amend – Applicant Initiated Amendment 11-01-04

Passed by the Council of The City of San Diego on MAR 21 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 21 2006.

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

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

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R- 301318</u>