

344
(R-2009-645) B
MEET 12/02

RESOLUTION NUMBER R- 304530

DATE OF FINAL PASSAGE DEC 02 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING AN AMENDMENT TO THE MID-CITY COMMUNITY PLAN AND THE GENERAL PLAN FOR THE CITY HEIGHTS SQUARE AMENDMENT-PROJECT NO. 146605.

WHEREAS, City Heights Realty, LLC, requested an amendment to the General Plan and the Mid-City Communities Plan to re-designate approximately 0.13-acres from Residential (21-25 dwelling units per acre [du/ac] and approximately 2.65-acres from Commercial/Mixed-Use (29 du/ac and up to 43 du/ac as a mixed-use bonus) to Commercial/Mixed-Use (73 du/ac located on the general block bounded by Fairmount Avenue, University Avenue, 43rd Street and Polk Avenue within the City Heights neighborhood of the Mid-City Communities Plan area; and

WHEREAS, the project site is legally described as Lots 1 through 8, inclusive, and 25 through 28, inclusive, in Block 46 of City Heights, Map No. 1007; Lot 1 of Fairmount Commercial Tract, Map No. 6740; Parcel 1 of Parcel Map No. 15205; together with the easterly 10 feet of the vacated unnamed alley adjacent to said Lots 25 through 28; City of San Diego, County of San Diego, State of California; and

WHEREAS the proposed General/Community Plan amendment includes technical changes to two land use maps in the Mid-City Communities Plan to reflect the location of existing public facilities; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the 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, the Planning Commission of the City of San Diego found the proposed amendment consistent with the 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

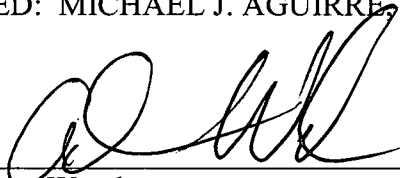
WHEREAS, the matter was set for public hearing on DEC 02 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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 oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the amendments to the Mid-City Communities Plan, a copy of which is on file in the office of the City Clerk as Document No. RR- 304530

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By: 

Adam Wander
Deputy City Attorney

ARW:cw
11/18/08
Or.Dept:DSD
R-2009-645
MMS#7055

APPROVED
BY MICHAEL J. AGUIRRE
CITY ATTORNEY