

RESOLUTION NUMBER R- 311641

DATE OF FINAL PASSAGE APR 24 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE ELIMINATION,  
CANCELLATION, AND ANNULMENT OF THE  
DECLARATION OF RESTRICTIONS FOR SOUTH SAN  
DIEGO INDUSTRIAL PARK, UNIT 1 AS A WHOLE.

WHEREAS, on July 31, 1978, the City of San Diego (City) adopted by Resolution No. 221525 a Declaration of Restrictions (Declaration) which set forth certain restrictions regarding the use, development, parking, and other matters relating to real property described as parcels 1, 2, 3, 4, 5 and 6 (Parcels) of the South San Diego Industrial Park, Unit 1, according to Map 8724, filed in the Office of the San Diego County Recorder on November 25, 1977; and

WHEREAS, the purpose of the Declaration was to guarantee the development of the Parcels as a labor intensive manufacturing center so as to provide needed employment for residents of the surrounding area and the San Diego community in general; and

WHEREAS, the Declaration states that the owners of individual parcels may form a committee for the purpose of enforcing the Declaration. The committee, upon at least a two-thirds affirmative vote of the eligible vote, may recommend to City Council, modifications, amendments, elimination, cancellation, or annulment of all or a part of the Declaration. Upon the City Council's approval by resolution and recording of the approved resolution at the Office of the San Diego County Recorder, such modifications, amendments, elimination, cancellation, or annulment shall be conclusively established; and

WHEREAS, parcels 1, 2, 4 and 5 (3070 Del Sol Blvd., 1255 30th Street, 3055 Del Sol Blvd., and 1275 30th Street) are privately owned; and

WHEREAS, the United States Postal Office owns Parcel 3 (2960 Fern Ave), and the restrictions of the Declaration were removed for Parcel 3 by Resolution No. R-288936 because the United States Postal Office is a federal agency and has certain construction and security requirements that conflict with the Declaration; and

WHEREAS, the City owns Parcel 6 (APN 630-140-27) as undeveloped real property; and

WHEREAS, in 2003, the committee approved an amendment to the Declaration to allow the Parcels to be used for any uses permitted under the M-1-B zone as then or thereafter established by the City; and

WHEREAS, the City Council approved the amendment to the Declaration by Resolution No. R-298512; and

WHEREAS, it was represented to City staff that Centro De Salud De La Comunidad De San Ysidro, Inc., the owner of Parcel 5, is under contract to sell Parcel 5 to Stephen W. Hawking Charter School (School); and

WHEREAS, the School became aware of the Declaration during their due diligence and requested the Declaration be removed; and

WHEREAS, the owners of Parcels 1, 2, 4 and 5 have unanimously determined to recommend to the City Council elimination, cancellation, and annulment of the Declaration for all purposes on the Parcels; and

WHEREAS, the purpose of the Declaration is covered by the regulations in the Land Development Code; and

WHEREAS, any proposed development would be evaluated in accordance with applicable Land Development Code General Plan and Community Plan policies; and

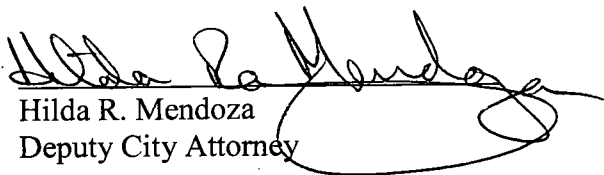
WHEREAS, City staff recommends elimination, cancellation, and annulment of the Declaration; NOW, THEREFORE,

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

1. That the Declaration of Restrictions South San Diego Industrial Park, Unit 1, are hereby eliminated, cancelled, and annulled as a whole.

2. That the Mayor, or his designee, is hereby authorized and directed to record a copy of this Resolution in the Office of the San Diego County Recorder.


APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

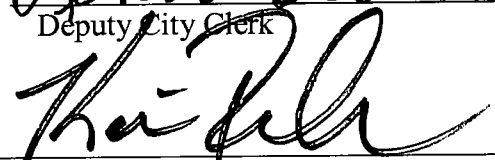
HRM:nja  
03/06/18  
Or.Dept: READ  
Doc. No.: 1703931

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/19/18  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

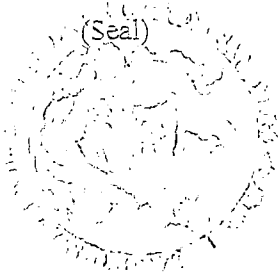
Date of final passage APR 24 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 Ginda Bruen, Deputy

Office of the City Clerk, San Diego, California

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