

RESOLUTION NO. 198853

WHEREAS, SPROUL CONSTRUCTION CORPORATION, a California corporation, Owner, "Permittee," filed an application for a conditional use permit to construct and operate a 570-unit Planned Unit Development, located in the southerly portion of Tecolote Canyon, east and west of Cross Street, being portions of Pueblo Lots 267, 289 through 293 and 1177, as more particularly described in Appendix A attached hereto and made a part hereof, in the R-1-5 (proposed R-2) Zone; and

WHEREAS, on October 22, 1969, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 216-PC, and granted a conditional use permit to Permittee to construct and operate said 570-unit Planned Unit Development; and

WHEREAS, IRVING H. HART III, ROBERT H. FOWBLE and E.F. KOSEN and OLIVE KOSEN, pursuant to the provisions of Section 101.0508 of the San Diego Municipal Code, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 8, 1970, testimony having been heard, evidence having been submitted and the Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

That all of the following facts exist with respect to the denial of said conditional use permit on the property described in the preamble of this resolution:

1. The proposed use at the particular location is not necessary to provide a facility which will contribute to the general well-being of the community.

2. Such use will, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

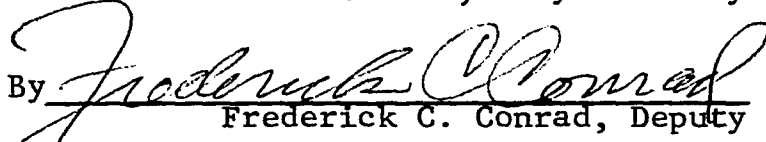
3. The proposed use will not comply with the regulations and conditions specified in the Code for such use.

4. The granting of this conditional use will adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The above findings are further supported by the minutes, tape of the proceedings, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that by a vote of 8 to 1, the decision of the Planning Commission granting a conditional use permit to SPROUL CONSTRUCTION CORPORATION be, and the same is overruled; and the appeals of IRVING H. HART III, ROBERT H. FOWBLE and E.F. KOSEN and OLIVE KOSEN be, and they are hereby granted.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Deputy

APPENDIX "A"

All of Pueblo Lots 290, 291 and the unnumbered lot lying northeasterly of Pueblo Lot 267 and Northwesterly of Pueblo Lot 290; Portions of Pueblo Lots 267, 289, 292, and 293 and 1177 - said portions of Pueblo Lots 293 and 1177 being also a portion of Sileve Terrace, according to map thereof no. 434, filed in the office of the County Recorder of San Diego County, December 24, 1887 - all being in the Pueblo Lands of San Diego, in the city of San Diego, county of San Diego, state of California, according to map thereof made by James Pascoe in 1870 a copy of which map was filed in the office of the County Recorder of said County November 14, 1921 and is known as Miscellaneous Map No. 36, being more particularly described as follows:

Beginning at the southwesterly corner of said Pueblo Lot 267: thence along the westerly line of said lot North $36^{\circ} 08' 00''$ East 933.92 feet - record 934.31 feet more or less - to the northwesterly corner thereof; thence along the westerly line of said unnumbered Lot North $36^{\circ} 03' 20''$ East 594.50 feet - record North $36^{\circ} 01' 00''$ East 594.75 feet more or less - to the northwesterly corner thereof; thence along the northerly line of said unnumbered Lot and said Pueblo 290 South $53^{\circ} 56' 29''$ East 1099.26 feet - record South $53^{\circ} 58' 00''$ East 1101.50 feet more or less - to the northwesterly corner of said Pueblo Lot 1177, said corner being also the westerly terminus of the most southerly line of Tecolote Heights according to map thereof No. 1487, filed in the office of the County Recorder of said County; thence along the common boundary between said Tecolote Heights and said Pueblo Lot 1177 South $85^{\circ} 07' 48''$ East 1703.68 feet - record South $89^{\circ} 01' 30''$ East -; thence South $22^{\circ} 56' 05''$ West 258.38 feet; thence South $50^{\circ} 26' 05''$ West 395.00 feet; thence South $28^{\circ} 11' 05''$ West 287.00 feet; thence South $35^{\circ} 33' 55''$ East 132.50 feet; more or less, to that certain angle point in the southerly boundary of that parcel of land conveyed to Charles A. and Claradora M. Isham by deed recorded in Book 3479, Page 470 and 471 of Official Records of said County, as shown on a map recorded as Record of Survey Map No. 2421 in the office of the County Recorder of said County, said angle point being the westerly terminus of that certain course which bears North $35^{\circ} 36' 38''$ West and has a length of 253.82 feet; thence along said southerly boundary South $43^{\circ} 17' 44''$ West 216.11 feet; thence South $66^{\circ} 50' 50''$ West 696.28 feet; thence North $77^{\circ} 10' 10''$ West 1528.02 feet; thence North $54^{\circ} 16' 40''$ West 610.71 feet; thence North $85^{\circ} 46' 00''$ West 264.91 feet to the point of beginning.

Excepting therefrom that portion thereof lying within the boundaries of University Estates Unit No. 1, according to the map thereof No. 3741, filed in the office of the County Recorder of San Diego County October 31, 1957.

Also excepting therefrom that portion thereof lying within University Estates Unit No. 2, according to map thereof No. 4055, filed in the office of the County Recorder of San Diego County, January 9, 1959.

1-8-1970
198853

JAN 8 1970

Passed and adopted by the Council of The City of San Diego on _____, by the following vote:

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN

Mayor of The City of San Diego, California.

JOHN LOCKWOOD

City Clerk of The City of San Diego, California.

(Seal)

By Edgar D. Hamel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 198853 Adopted JAN 8 1970