

RESOLUTION NO. 209249 NOV 13 1973

WHEREAS, AVCO COMMUNITY DEVELOPERS, INC., "Applicant," filed an application for a variance under Zoning Administrator Case No. 11733 to construct four - two or more bedroom townhouses providing four legal parking spaces and four tandem spaces, where thirteen parking spaces are required with direct access to an adjacent street or alley, at 11405, 11409, 11413 and 11417 Florendo Road, Northeast corner of the intersection with Poblado Road, more particularly described as Lot 1, Westwood Townhouses #1, in the R-2A Zone; and

WHEREAS, the Assistant Zoning Administrator of The City of San Diego considered Zoning Administrator Case No. 11733 pursuant to Section 101.0502, and denied the request for said variance, which decision was filed in the office of the City Clerk on March 28, 1973; and

WHEREAS, Applicant appealed the decision of the Assistant Zoning Administrator to the Board of Zoning Appeals pursuant to Section 101.0504 of the San Diego Municipal Code; and

WHEREAS, the Board of Zoning Appeals on April 23, 1973 overruled the decision of the Assistant Zoning Administrator under Case No. 11733 and granted the variance in part, approving the provision that two parking spaces shall be required for each additional unit and filed the same in the office of the City Clerk on April 30, 1973; and

WHEREAS, pursuant to Section 101.0505 of the San Diego Municipal Code the decision of the Board of Zoning Appeals became final on May 11, 1973; and

WHEREAS, on August 27, 1973 the Board of Zoning Appeals considered the request of Applicant for an amendment to the aforesaid decision of the Board, and denied said request, and filed the same in the office of the City Clerk on September 6, 1973; and

WHEREAS, pursuant to the provisions of Section 101.0505 of the San Diego Municipal Code, Applicant filed an appeal from the decision of the Board of Zoning Appeals to the City Council on September 17, 1973; and

WHEREAS, said appeal was set for public hearing on October 9, 1973 but was continued at Applicant's request until November 13, 1973, testimony having been heard and evidence having been submitted, and the City 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 the request of AVCO COMMUNITY DEVELOPERS, INC., for an amendment to the decision of the Board of Zoning Appeals:

1. There are no special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would not deprive Applicant of the reasonable use of the land or buildings.


3. The granting of the variance would not be in harmony with the general purpose and intent of the zoning regulations and would be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The granting of the variance would adversely affect the Progress Guide and General Plan for The City of San Diego.

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 7 to 0 the City Council hereby upholds the decision of the Board of Zoning Appeals and denies the appeal of AVCO COMMUNITY DEVELOPERS, INC., for an amendment to the Board of Zoning Appeals' decision of April 23, 1973 under Zoning Administrator Case No. 11733.

APPROVED: JOHN W. WITT, City Attorney

By 
Peter D. Bulens, Deputy

PDB:lc
11/16/73

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SAN DIEGO, CALIF. *Amg*

Passed and adopted by the Council of The City of San Diego on NOV 13 1973,
by the following vote:

| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Gil Johnson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maureen F. O'Connor | <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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Bates | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Yolanda Limon*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 209219 Adopted NOV 13 1973