

WHEREAS, FRANK PAUL SCOTT appealed the decision of the Planning Commission in denying Preliminary Parcel Map No. 78-154, which proposes a two-parcel parcel map of Lot 1, Bay Park Vista Unit 1, Map 2709, located on the east side of McGraw Street and south of Baker Street, in the R-1-5 Zone, and within the boundaries of the Clairemont Mesa Community Plan; and

WHEREAS, on July 27, 1978, the Planning Commission voted 5 to 1 to deny the Preliminary Parcel Map; and

WHEREAS, on August 1, 1978, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, FRANK PAUL SCOTT appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 29, 1978, continued to September 5, 1978, and testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code, Section 102.0308, to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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

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1. The proposed map is consistent with the General Plan and Clairemont Mesa Community Plan which designate the property for residential use.

2. The design and proposed improvements for the subdivision are consistent with the General Plan and Clairemont Mesa Community Plan and R-1-5 Zone development regulations.

3. The site is physically suitable for residential development.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 78-04-29 N.D.

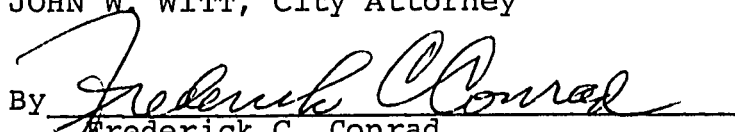
6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R-1-5 zone variance and conforms with City development regulations.

7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of FRANK PAUL SCOTT is hereby granted, the decision of the Planning Commission overruled, and Preliminary Parcel Map No. 78-154 is granted.

APPROVED: JOHN W. WITT, City Attorney

BY   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
9/26/78  
T.M. 78-154  
Or.Dept.:Clerk

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

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Richard M. ...*, Deputy.

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Resolution Number **221763** Adopted SEP - 5 1978

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