

FEB 6 1979

WHEREAS, WILLIAM A. CORN and DEAN COMSTOCK appealed the decision of the Planning Commission in denying the Tentative Subdivision Map 78-352 (entitled "Bay View"), which proposes a 61-lot subdivision of Lots 19 through 26, Block 16, Beverly, Map No. 1129 and portions of Lots 16 and 18, Rancho Mission of San Diego, Map No. 330, located on the north side of Market Street and the west side of Pitta Street, in the R-1-5 and R-1-5 HR Zones and within the boundaries of the Southeast San Diego Community Plan; and

WHEREAS, on January 11, 1979, the Planning Commission voted 6 to 0 to deny the tentative map and overrule the decision of the Subdivision Review Board; and

WHEREAS, on January 11, 1979, pursuant to the provisions of Section Nos. 102.0205 and 102.0205.1 of the San Diego Municipal Code, WILLIAM A. CORN and DEAN COMSTOCK appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 6, 1979, 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 the Municipal Code, Section 102.0205, to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are placed by the Municipal Code; and

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WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 102.0205, 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:

All of the following facts exist with respect to Tentative Subdivision Map 78-352:

1. The proposed map is not consistent with the General Plan and the Plan for the Preservation of Parks and Open Space and Southeast San Diego Community Plan which designate the property for open space.
2. The design and proposed improvements for the subdivision are not consistent with the General Plan and Southeast San Diego Community Plan and R-1-5 Zoning/Development Regulations.
3. The site is physically suitable for residential development.
4. The site is suitable for the proposed residential density of 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. 77-09-55 Amendment.
6. The design of the subdivision and the type of improvements will not likely cause serious public health problems.

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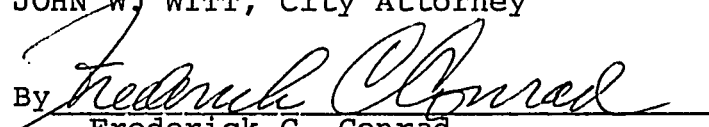
7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

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 WILLIAM A. CORN and DEAN COMSTOCK is denied, and Tentative Subdivision Map 78-352 is denied.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
4/18/79
T.M. 78-352
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	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 222773 Adopted FEB 6 1979