

SEP 18 1979

WHEREAS, WILSON-MAYBERRY PARTNERSHIP, INC., by Kenneth Wilson, President, appealed the decision of the Planning Commission in denying, as opposed to dismissing, an appeal of the Subdivision Review Board's decision to approve Tentative Subdivision Map 79-233 (Apple II) which proposes a one-lot subdivision for condominium purposes of Lots 2 and 3, Friars Road Subdivision, Map 7125. The subject property is located on the north side of Mission Center Court, east of Mission Center Road in the R-3 Zone and within the boundaries of the West Mission Valley Community Plan; and

WHEREAS, SHARON KAY UPSON appealed the decision of the Planning Commission in denying said appeal; and

WHEREAS, on August 23, 1979, the Planning Commission voted 5 to 0 to deny the appeal; and

WHEREAS, on August 23, 1979, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, WILSON-MAYBERRY PARTNERSHIP, INC., by Kenneth Wilson, President, appealed the decision of the Planning Commission; and

WHEREAS, on September 7, 1979, SHARON KAY UPSON appealed the decision of the Planning Commission; and

WHEREAS, said appeals were set for public hearing on September 18, 1979, 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 appeals 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:

That the City Council adopts findings of the Subdivision Board as follows:

1. The proposed map is consistent with the General Plan and West Mission Valley 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 West Mission Valley Community Plan and R-3 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 79-03-27.2 EX.

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 the R-3 zoning


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 appeals of WILSON-MAYBERRY PARTNERSHIP, INC., by Kenneth Wilson, President, and SHARON KAY UPSON are denied, the decision of the Planning Commission to deny the appeals and uphold the decision of the Subdivision Review Board is sustained, and said tentative map is hereby granted.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
3/18/80
T.M. 79-233
Or.Dept. Clerk

R-250250

Passed and adopted by the Council of The City of San Diego on SEP 18 1979,
 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>R-250250</u> Adopted <u>SEP 18 1979</u>