

JUN 17 1980

WHEREAS, RONALD D. ROBERTS and LUCE, FORWARD, HAMILTON AND SCRIPPS, by Gregory T. Smith, et al, appealed the decision of the Planning Commission in approving Tentative Subdivision Map 79-247, which proposed a five-lot division of Lots A, B and a portion of Lot C, Blocks 402 and 403, and a portion of Block 404, Horton's Subdivision. The subject property is located on the southwest corner of Upas and Jackdaw Streets in the R-1-5 (HR) Zone and within the boundaries of the Uptown Community Plan; and

WHEREAS, on May 8, 1980, the Planning Commission voted 5 to 0 to approve the Tentative Map, and filed said decision in the office of the City Clerk on May 21, 1980; and

WHEREAS, on May 19 and May 21, 1980, respectively, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, RONALD R. ROBERTS and LUCE, FORWARD, HAMILTON AND SCRIPPS, by Gregory T. Smith, et al, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on June 17, 1980, 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:

All of the following facts exist with respect to Tentative Map 79-247:

1. The proposed map is consistent with the General Plan and Uptown Community Plan which designate the property for residential use.
2. The design for the subdivision is not consistent with the Municipal Code in that Lot 4 fails to comply with the Municipal Code provisions relating to lot size.
3. The site is physically suitable for residential development.
4. The site is not 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. 79-09-01 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 HR 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

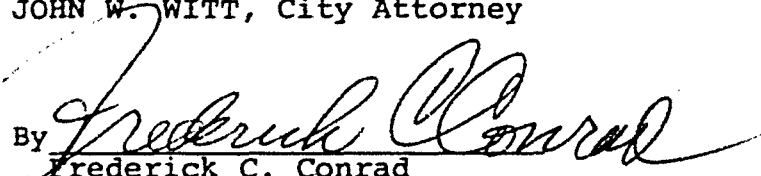
property within the proposed subdivision.

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 appeal of RONALD D. ROBERTS and LUCE, FORWARD, HAMILTON AND SCRIPPS, by Gregory T. Smith, et al, is granted, the decision of the Planning Commission is overruled, and Tentative Subdivision Map 79-247 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
7/25/80
T.M. 79-247
Or.Dept. Clerk

Passed and adopted by the Council of The City of San Diego on JUN 17 1980,
 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"/>
Bill Cleator	<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 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"/>
Mike Gotch	<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.

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

(Seal)

By Ellen Boyard, Deputy.

Office of the City Clerk, San Diego, California.

Resolution Number R-252074 Adopted JUN 17 1980