

(R-85-795)

RESOLUTION NUMBER R- **261798**

ADOPTED ON OCT 23 1984

WHEREAS, JP ENGINEERING, by Joyce H. Palacios, appealed to the City Council the decision of the Subdivision Board in approving Tentative Map 84-0580 which proposes a two-lot Parcel Map of Lot 4, in Block 1 of Bay Shore Addition to New Roseville, Map No. 1152, located south of Scott Street, between Talbot and Bessemer Streets, in the R1-5000 Zone of the Peninsula Community Plan area, subject to the condition, among others, that the subdivider shall dedicate 40 feet of right-of-way within the subdivision along the southerly property line, above and immediately north of the mean high tide line; and

WHEREAS, on September 17, 1984, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, JP ENGINEERING, by Joyce H. Palacios, appealed the decision of the Subdivision Board approving Tentative Map No. 84-0580 subject to Condition No. 7 of the Board's Resolution No. 3872 adopted on September 17, 1984; and

WHEREAS, said appeal was set for public hearing on October 23, 1984, 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 Subdivision Board subject to the limitations as are placed upon the Subdivision Board by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Council adopts the findings of the Subdivision Board as follows:

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

2. The design and proposed improvements for the subdivision are consistent with the General Plan, Peninsula Community Plan, R1-5000 Zoning/Development Regulations and State Map Act Section 66473.1 regarding solar access.

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. 84-0580 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 R1-5000 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 JP ENGINEERING, by Joyce H. Palacios, is granted; the decision of the Subdivision Board to impose a condition that the subdivider dedicate 40 feet of right-of-way within the subdivision along the southerly property line, above and immediately north of the mean high tide line is overruled, and said Tentative Map is hereby granted, subject to the following conditions:

1. The Tentative Map will expire October 23, 1987.
2. The "General Conditions for Tentative Subdivision Maps," filed in the office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized.
3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Sections 102.0406 et seq.

This property is also subject to a Building Permit park fee in accordance with San Diego Municipal Code Sections 96.0401 et seq.


4. The subdivider must provide a geological reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Sections 62.0410 et seq.

5. Undergrounding of proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, subsection 2.

6. The subdivider shall dedicate five feet of additional right-of-way on Scott Street adjacent to the subdivision.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:640
10/31/84
Or.Dept:Clerk
R-85-795
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Passed and adopted by the Council of The City of San Diego on OCT 23 1984,
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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksm | <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"/> |
| Dick Murphy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

(Seal)

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

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

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