

(R-85-2135)

RESOLUTION NUMBER R- 263125

ADOPTED ON MAY 07 1985

WHEREAS, on January 7, 1985, the Subdivision Board of The City of San Diego, subject to certain conditions, approved Tentative Map No. 84-0609; and

WHEREAS, the decision of the Subdivision Board to approve TM-84-0609 was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on March 21, 1985, the Planning Commission heard the appeal of the Subdivision Board's decision to approve TM-84-0609 and voted 5 to 1 to overrule the decision of the Subdivision Board and deny Tentative Map No. 84-0609; and

WHEREAS, on March 27, 1985, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, LARRY and MARIE PERREIRA, by Gregory C. M. Garratt, attorney, appealed the decision of the Planning Commission in denying the proposed Tentative Map which proposes a two-lot split of property located at 3604 Curtis Street, further described as Lot 78 and a portion of Lot 77, Point Loma Villas, Map No. 1587, in the R1-5000 Zone of the Peninsula Community Plan area; and

WHEREAS, said appeal was set for public hearing on May 7, 1985, 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, that the City Council adopts the findings of the Planning Commission 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 not physically suitable for residential development as proposed since it is in conflict with the established physical character of the surrounding neighborhood by creating a lot that is not allowing for the established building setback in the general neighborhood and adjacent lot to be maintained, thereby altering the neighborhood in an unacceptable physical manner and infringing on the physical character of an established neighborhood.

4. The site is not suitable for the proposed residential density of development since the lot would be out of character in its proposed juxtaposition to the immediate neighborhood and

create setbacks closer to roadways than the existing lots along the western side of Chatsworth Boulevard.

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. 84-0609 MND.

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 based on Findings 3 and 4 hereinabove, the appeal of LARRY and MARIE PERREIRA, by Gregory C. M. Garrett, attorney, is denied; the decision of the Planning Commission to deny the appeal is sustained, and said Tentative Map is hereby denied.

R- 263125

APPROVED: John W. Witt, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:640
05/09/85
Or.Dept:Clerk
R-85-2135
Form=r.subma

337

MAY 07 1985

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"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Marjorie G. Pontecorvo*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-263125 Adopted MAY 07 1985