

(R-86-517)

RESOLUTION NUMBER R-264037

ADOPTED ON SEPTEMBER 10, 1985

WHEREAS, MR. and MRS. CARL SAM MAGGIO, Applicants/Owners, filed an application for permission under La Jolla Shores Planned District Permit No. 8519 to demolish an existing single-family residence with attached three-car garage observing zero-foot side yard setbacks, at 8550 El Paseo Grande, in the SF Zone in the La Jolla Shores Planned District Community; and

WHEREAS, on July 18, 1985, the Planning Commission of The City of San Diego made its findings of fact, approved said La Jolla Shores Planned District Permit No. 8519 and filed said decision in the office of the City Clerk on July 29, 1985; and

WHEREAS, on July 25, 1985, pursuant to the provisions of Section 103.0302.5 of the San Diego Municipal Code, FRANCIS J. MICHAEL appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 10, 1985; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties at the public hearing; 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 La Jolla Shores Planned District Permit No. 8519:

1. The proposed use will not fulfill an individual and/or community need and will adversely affect the General Plan and the Planned District by the development of a structure with no side yard which will unreasonably interfere with use of adjacent property and establish an undesirable precedent in an area where such development does not presently exist.

2. The proposed use will be detrimental to the health, safety and general welfare of persons residing or working in the area and will adversely affect other property in the vicinity by unreasonably obstructing light and air, increasing noise and creating a structure that, due to the absence of side yards, is out of scale with surrounding property and the general area.

3. The proposed use will not comply with relevant regulations in the San Diego Municipal Code in that the provisions of Municipal Code Sections 103.0303.4.C. and 103.0304.1.C.2. are not met by the proposed condition.

The above 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 FRANCIS J. MICHAEL is granted, the decision of the Planning Commission is overruled, and this Council does hereby deny to MR. and MRS. CARL SAM MAGGIO, Applicants/Owners, La Jolla Shores Planned District Permit No. 8519.

APPROVED: JOHN W. WITT, City Attorney

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

FCC:cc:632
09/13/85
Or.Dept:Clerk
R-86-517
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1986 MAY 15 PM 3:14

SAN DIEGO, CALIF.

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Passed and adopted by the Council of The City of San Diego on SEP 10 1985,
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 Struikma | <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"/> |
| District 7-vacant | <input 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

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