

(R-86-631)

RESOLUTION NUMBER R- 264132

ADOPTED ON SEP 24 1985

WHEREAS, on May 13, 1985, the Subdivision Board of The City of San Diego denied Tentative Map No. TM-84-0601; and

WHEREAS, the decision of the Subdivision Board to deny TM-84-0601 was appealed to the Planning Commission of The City of San Diego; and

WHEREAS, on June 27, 1985, the Planning Commission heard the appeal of the Subdivision Board's decision to deny TM-84-0601 and voted 7 to 0 to uphold the decision of the Subdivision Board and deny Tentative Map No. 84-0601, subject to certain conditions; and

WHEREAS, on July 5, 1985, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, Lee Realty and Investment, Inc. (Mr. and Mrs. John Marshall), by Stephen E. Wittman, Esq., appealed the decision of the Planning Commission in denying the proposed tentative map for a four-lot tentative parcel map of Lots 1 through 5, Block E of the Resubdivision of a portion of Bird Rock City by the Sea, Map No. 1138, and portions of Bird Rock Avenue and Moss Lane to be vacated, located on the north side of Bird Rock Avenue, between Abalone Place and Dolphin Place, in the R1-5000 Zone, in the La Jolla Community Plan area; and

WHEREAS, said appeal was set for public hearing on July 30, 1985, and continued to September 24, 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 not consistent with the General Plan and La Jolla Community Community Plan which designate the property for very low residential use, allowing 5-8 dwelling units per acre. In addition, the request for a partial vacation of Moss Lane is not consistent with the La Jolla Community Plan with respect to shoreline access for "Subarea H - Bird Rock," which defines retention of the existing street in order to ensure appropriate pedestrian access.

2. The design of the proposed subdivision and lots is not consistent with the General Plan and the La Jolla Community Plan. Moreover, the subdivision design did not make adequate provision for the minimum lot area and dimensions as required by the R1-5000 Zoning Development/Regulations.

3. The site is physically suitable for residential development.

4. The site is not physically suitable for the proposed residential density of development; i.e, the proposed project would arbitrarily create substandard lots in area and width which would be precedent setting and detrimental to the established physical character of the immediate neighborhood. Approval of a building site with less than 5,000 square feet will allow speculation to define minimum lot area.

5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Negative Declaration END-84-0601.

6. The design of the subdivision and the type of improvements will not likely cause serious public health problems.

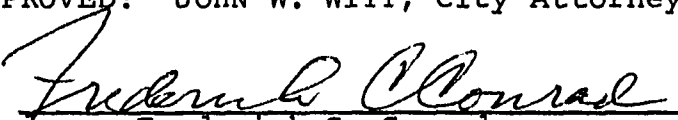
7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

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 LEE REALTY AND INVESTMENT INC. (Mr. and Mrs. John Marshall), by Stephen E. Wittman, Esq., is denied; the decision of the Planning Commission to deny the appeal is sustained, and said Tentative Map TM-84-0601 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:640
10/08/85
Or.Dept:Clerk
R-86-631
Form=r.subma

SEP 24 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| 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.

(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

Resolution Number **R-2641.32** Adopted SEP 24 1985