

(R-87-2726)

RESOLUTION NUMBER R-268369

ADOPTED ON MAY 19, 1987

WHEREAS, on September 17, 1986, the Board of Zoning Appeals considered the appeal of Mission Valley, Ltd., Case C-19299, regarding the amended request to construct a one-story, two-level parking structure to observe: (1) a 16'7" rear yard where 51'0" is required due to an existing fourteen-story structure located on the premises; and (2) to construct a maximum 10'0" access ramp to the second level of the proposed parking structure within the front yard and encroaching into the Hotel Circle North right-of-way, Parcel 2, Parcel Map No. 3058, located at 1660 Hotel Circle North, in the CO (FPF) Zone; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision, considered the staff report and the plans and materials submitted prior to and at the public hearing, conducted an inspection of the subject property and heard public testimony presented at the hearing; and

WHEREAS, the Board of Zoning Appeals found that: (1) while the existing office structure on the site is technically considered a fourteen-story building, it should be treated according to its number of floors (seven); (2) if the existing building is treated as a seven-story building, the required rear yard would be 30'0"; (3) a 30'0" rear yard would respond to the hardship of the shape of the lot and yards imposed by the

existing building by providing a reasonable rear yard; (4) placement of the parking structure is accordance with the rear yard variance as approved and observe all other required yards is appropriate; (5) the topography of the site and the placement of the parking structure requires the use of ramps as approved; and

WHEREAS, the Board of Zoning Appeals believes that the variance, as approved, was the minimum necessary to allow reasonable use as enjoyed by surrounding development; and

WHEREAS, the variance has been considered under the provisions of the zoning ordinance and following a noticed public hearing, has been approved; and

WHEREAS, the variance is viewed as fulfilling the purpose and intent of the zoning regulations and is not seen as injurious to the neighborhood; and

WHEREAS, due to the minimal nature of this request, adverse impacts on the General Plan of The City of San Diego, are not anticipated; and

WHEREAS, the granting of a variance in the absence of the special circumstances or conditions required is viewed as contrary to the purpose and intent of the zoning regulations and by establishment of an undesirable precedent, injurious to the neighborhood and other similarly zoned areas; and

WHEREAS, the granting of a variance in the absence of the necessary findings would by definition adversely affect the General Plan for The City of San Diego; and

WHEREAS, on May 19, 1987, the City Council considered the appeal of Mission Valley, Ltd., from the decision of the Board of Zoning Appeals; and

WHEREAS, in arriving at its decision, the City Council reviewed the appellants' testimony and the decision of the Board of Zoning Appeals and heard public testimony on this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Mission Valley, Ltd., is hereby granted and, therefore, modifies the decision of the Zoning Administrator, to deny, as requested, but approve the request to allow a 30'0" rear yard, where 51'0" is required and approved the access ramp to encroach into the front yard, subject to the following conditions:


1. The applicant shall increase the landscaping 150% of that required by the landscaping ordinance.

2. The variance shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution.

BE IT FURTHER RESOLVED, that the decision of the City Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

ALT:ta
06/25/87
Or.Dept:Clerk
R-87-2726
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Passed and adopted by the Council of The City of San Diego on MAY 19 1987,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *June G. Blackwell*, Deputy.

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1987 JUL 14 AM 10:25
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Resolution Number R-268369 Adopted MAY 19 1987

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