

(R-88-1572)

RESOLUTION NUMBER R-269711

ADOPTED ON NOVEMBER 10, 1987

WHEREAS, on July 15, 1987, the Board of Zoning Appeals considered the appeal of Amreal Balboa Associates from the denial of the Zoning Administrator to construct a six-story (6) ten-unit (10) apartment building: (1) to observe a 15'0" rear yard at the closest point where 29'0" is required; (2) to provide a 12'0" wide driveway where 20'0" is required; (3) to provide a 20'0" turning radius where 21'0" is required; (4) to erect 41'0" of 5'0" high garden walls observing a 7'0" front yard where a 15'0" front yard is required - Lot J and portions of Lots C, D and I; Block 261, Horton's Addition, located at 2300 block of Sixth Avenue, between Juniper and Kalmia Streets, in Zone R-400; and

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

WHEREAS, the applicant withdrew request Nos. 3 and 4, the Board of Zoning Appeals found the modified request could be approved. The Board of Zoning Appeals believed that there were unusual circumstances to approve item Nos. 1 and 2 in the size of the lot in relationship to other lots in the area as well as

surrounding development. In addition, this property was designated in the community plan for higher density and was adjacent to Balboa Park. The 10'0" strip of commercial zone on this property should, however, be rezoned to residential which would preserve required separation from abutting commercial development; and

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

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

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

WHEREAS, in light of the foregoing, the Board of Zoning Appeals granted the appeal of Amreal Balboa Associates thereby overturning the decision of the Zoning Administrator, subject to the following conditions:

1. That the applicant rezone the 10'0" strip of commercial zoning to residential zone designation prior to the issuance of any building permits;

2. That the adjacent property shall be advised of this case in writing and of the action of the Board of Zoning Appeals' condition of zone modification;

3. That the project shall comply with all the requirements of Building Inspection and Engineering and Development;

4. That this variance shall be signed and notarized by the applicant and returned to the Zoning Administrator within thirty (30) days of receipt of this resolution; and

WHEREAS, on November 10, 1987, the Council of The City of San Diego ("Council") considered the appeal of Fifth Avenue Investments, by David G. Leaverton, from the approval with conditions, of the Board of Zoning Appeals, Case C-19626; and

WHEREAS, in arriving at their decision, the Council considered the staff report, the decisions of the Zoning Administrator and the Board of Zoning Appeals, the plans and materials submitted prior to and at the public hearing and public testimony at the hearing; and

WHEREAS, the Council adopted the findings of the Board of Zoning Appeals; NOW, THEREFORE,

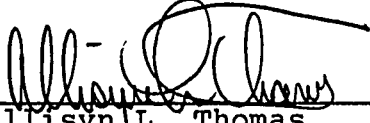
BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Fifth Avenue Investments, by David G. Leaverton, is granted subject to the following conditions:

1. That the project shall comply with all the requirements of Building Inspection and Engineering and Development.

2. That the variance shall be signed and notarized by the applicant and returned to the Zoning Administrator within thirty (30) days of receipt of this resolution.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:fs
02/03/88
Or.Dept:Clerk
R-88-1572
Form=r.none

NOV 10 1987

Passed and adopted by the Council of The City of San Diego on.....
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"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
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"/>	
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Alan Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 269711 Adopted NOV 10 1987