

RESOLUTION NUMBER R-269894

ADOPTED ON DECEMBER 1, 1987

WHEREAS, on December 1, 1987, the Council of The City of San Diego ("Council") considered the Interim Development Ordinance ("IDO") Non-Accelerated Variance Application No. 87-2128, by Philip Dyson, Planning Report No. 87-625, to construct eighty-four (84) new units on the parcel at Gilman Drive between Interstate 5 and Via Alicante, zoned Tract H, La Jolla Shores Planned District, designated for multi-family residential use (11.9 du/ac). The site is approximately 7.08 acres. The project will provide an underground garage with two hundred twenty-two (222) parking spaces; exterior - stucco; and wood shingles and siding, in the La Jolla Shores Community; and

WHEREAS, the request for Non-Accelerated Variance was submitted by Philip Dyson pursuant to the IDO Section 7.C.3.; and

WHEREAS, the request for Non-Accelerated Variance submitted is governed by IDO Section 7.C.4., pursuant to which units granted will be taken from the reserve allocation as set forth in Schedule A of the IDO as modified by the procedures set forth in Resolution No. R-269742 adopted by the Council on November 16, 1987; and

WHEREAS, in arriving at their decision, the Council considered the staff report, the decision of the IDO Administrator, reviewed the plans and materials submitted prior to and at the public hearing, and heard public testimony presented at the hearing; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of The City of San Diego, that the application for Non-Accelerated Variance of Philip Dyson is hereby granted, and, therefore, overturns the decision of the IDO Administrator.

BE IT FURTHER RESOLVED, that in arriving at its decision, the Council made the following findings:

1. Construction on the project will be substantially complete within one (1) year of granting the Non-Accelerated Variance. Further requests for extensions beyond the one (1) year period or for expansions of bulk, use or density will not be permitted.

2. Project esthetically enhances the community.

3. The project is consistent with the adopted Community Plan, and Progress Guide and General Plan. There are no applicable Community Plan revisions pending.

4. The project complies with applicable zoning.

5. The project will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to the public health, safety or general welfare.

6. A construction delay on the project would significantly impede the ability of Philip Dyson to proceed at some future time.

7. Absent growth management provisions of the IDO necessitating the application and approval process described in Sections 6. and 7. of the IDO, the project could proceed.

8. Length of ownership and occupancy plans demonstrate substantial commitment to community welfare and fostering the Community Plan.

9. Philip Dyson has presented financial evidence of readiness to proceed.

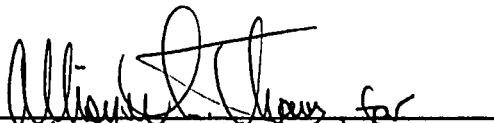
10. Units are available and will be borrowed from the unused allocations of another community. That community allocation will then be reduced accordingly.

BE IT FURTHER RESOLVED, that the units granted by the Council pursuant to this Non-Accelerated Variance shall come from University Community Plan.

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

APPROVED: JOHN W. WITT, City Attorney

By

  
Janis Sammartino Gardner  
Deputy City Attorney

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
District 4	<input 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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

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

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

(Seal)

By *Jana Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-269894* Adopted DEC 01 1987