

RESOLUTION NUMBER R-270536

ADOPTED ON MARCH 15, 1988

WHEREAS, on September 19, 1974, the Council of The City of San Diego ("Council") approved the Planned Residential Development Plan (No. 80) of Techbilt Construction Corp. ("Techbilt"), Resolution No. R-211590; and

WHEREAS, on July 29, 1987, Techbilt applied, Application No. 87-2221, to The City of San Diego ("City") for exemption from the Interim Development Control Ordinance ("IDO") under Section 7.C.1.; and

WHEREAS, on September 30, 1987, Techbilt received notice of denial of its IDO exemption application by the IDO Administrator; and

WHEREAS, on October 16, 1987, Techbilt submitted a letter appealing the IDO Administrator's decision pursuant to Section 7.C.2. and Section 6.I. of the IDO; and

WHEREAS, on February 18, 1988, the City Council of The City of San Diego ("Council") held a special noticed public hearing to consider the IDO Non-Accelerated Variance Request and appeal of Techbilt; and

WHEREAS, at the hearing, the Council reviewed the decision of the IDO Administrator, the staff report, plans and materials submitted prior to and at the public hearing, and heard public testimony; and

WHEREAS, the Council continued the matter to March 15, 1988, in order to obtain further legal opinion and advice from the City Attorney; and

WHEREAS, on March 15, 1988, the Council at a noticed public hearing reviewed the IDO Non-Accelerated Variance Application No. 87-2221 and Appeal submitted by Techbilt to construct 131 units in La Jolla Alta PRD-80 located in the southerly portion of La Jolla on Mount Soledad (includes Units 1, 2, 6, 12, 13). The R-1-10 (HR) zoned site is within the Jolla Community Plan area; 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 future urbanizing 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; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED, that the units granted will be taken from the future urbanizing reserve (75 units) and from quarterly

allocations of the Greater North Park Community (56 units) based on Resolution No. R-269095, Schedule A.

BE IT FURTHER RESOLVED, that 50 units will be allocated now, 50 units will be allocated no earlier than January 1, 1989, and 31 units remain to be allocated after the effective period of the Interim Development Control Ordinance.

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

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

2. The project complies with applicable zoning.

3. 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.

4. 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.

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

6. Techbilt has presented financial evidence of readiness to proceed.

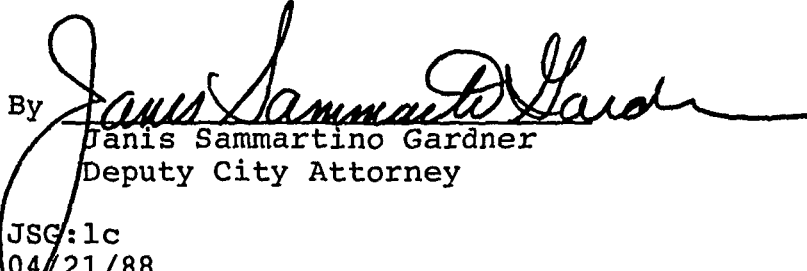
7. Techbilt has completed construction of substantial improvements to the community as a whole.

8. The development project includes substantial open space.

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

JSG:lc  
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MAR 15 1988

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R 270536* Adopted *MAR 15 1988*