

(R-89-276)

RESOLUTION NUMBER R-271406

ADOPTED ON JULY 12, 1988

WHEREAS, on June 1, 1988, the Board of Zoning Appeals considered the appeal of Triarc, a California general partnership, Case No. C-19908, from the partial approval of the Zoning Administrator of their request to construct a four-story, commercial office building (1) resulting in a floor area ratio of 2.33 where 2.0 is the maximum permitted; (2) to provide a spacing of 17'2" between two driveways where 45'0" is permitted; (3) to observe a 10'0" rear yard where 33'0" incremental yard is required for an eight-story building - Lots A, B, and C, Block 282, Horton's Addition, Map DB 131522, located at 2441-75 Fifth Avenue, C Zone; and

WHEREAS, in arriving at its 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 presented at the hearing; and

WHEREAS, the Board of Zoning Appeals found that the request could not be approved as submitted, as it found that the subject property lacked unusual circumstances so as to allow an increase in floor area ratio. The Board also found that the building could be redesignated to accommodate rear yard requirements. Finally, the Board found that the location of the driveway appeared to be consistent with the intent of safe and efficient ingress and egress; and

RECEIVED
CLERK'S OFFICE

1988 AUG 10 PM 4:50

SAN DIEGO, CALIF

pk ~

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 of the property as enjoyed by surrounding development; and

WHEREAS, the variance had been considered under the provisions of the zoning ordinance and, following a noticed public hearing, has been approved. The variance was 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 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 denied the appeal of Triarc by a vote of 5 to 0 and thereon modified the decision of the Zoning Administrator to deny Item #1, approve Item #2, and approve Item #3, subject to the following conditions:

1. That revised plans be submitted to and approved by the Zoning Administrator prior to the issuance of any building permit; said plans to comply with the permitted floor area ratio of 2 and definition of penthouse.

2. That the project comply with all requirements of the Building Inspection Department.

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

WHEREAS, on July 12, 1988, the Council for The City of San Diego considered the appeal of Triarc, a California general partnership, Case No. C-19908, from the aforementioned decision of the Board of Zoning Appeals; and

WHEREAS, in arriving at its decision, the City Council considered the staff report, 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 presented at the hearing; and

WHEREAS, the City Council found that the Community Plan indicates the subject property to be in an area for high density development and this project is one of the smaller scale developments proposed for the area. The City Council also found that the increased floor area ratio would have no visual impact; and

WHEREAS, it was determined that the variance, if granted, would have no adverse impacts on the General Plan for The City of San Diego and would not be injurious to the neighborhood; NOW, THEREFORE,


BE IT RESOLVED, by the Council for The City of San Diego, that the appeal of Triarc, a California general partnership, Case No. C-19908, is hereby granted, subject to the following conditions:

1. The project shall be constructed substantially as shown on the plans marked "Exhibit A," dated July 12, 1988, said plans being a part of the record on appeal.

2. The project shall comply with all requirements of the Building Inspection Department.

BE IT FURTHER RESOLVED, that the decision of the Council for The City of San Diego is, and shall be, final.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:wk
08/02/88
Or.Dept:Clerk
R-89-276
Form=r.none

JUL 12 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 Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Rhonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-271406* Adopted *JUL 12 1988*