

(R-91-1151)

RESOLUTION NUMBER R-277058

ADOPTED ON DECEMBER 11, 1990

WHEREAS, Robert J. Krause, S.P.E. Corporation, by Richard A. Rubin of Sholders & Sanford, Inc., appealed the decision of the Planning Commission in denying Resource Protection Overlay Zone Permit No. 87-1098 (River Trail Project) submitted by S.P.E. Corporation for the development of approximately 10.5 acres of residential and open space uses within the coastal zone and 100-year floodplain of the Tia Juana River, including the construction of 45 detached single-family dwelling units on a 6.65 net acre site of fill material, located on the west side of Hollister Street, between Rodear Road and Hollister Street, and described as Lot 75 of Sunrise Addition Unit No. 3, Map No. 10832, in the Otay Mesa-Nestor Community Plan area, R1-5000 zone; and

WHEREAS, the matter was set for public hearing on December 11, 1990, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Resource Protection Overlay Zone Permit No. 87-1098:

1. The proposed use will not fulfill an individual and/or community need and will adversely affect the General Plan, the community plan or the existing neighborhood.

2. The proposed use will be detrimental to the health, safety, and general welfare of persons residing or working in the area and will adversely affect other property in the vicinity. Although the applicant has agreed to pay school fees to mitigate immediate impacts on the area's schools, adequate public facilities are not in place at this time and the development would further impact the area.

3. The proposed use will not comply with all the relevant regulations of the Municipal Code.

4. The proposed development will not be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas.

5. The proposed development will not be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

6. The proposed development will not minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.

7. The proposed development would not be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.

8. The proposed development would not conform with The City of San Diego's Progress Guide and General Plan, the

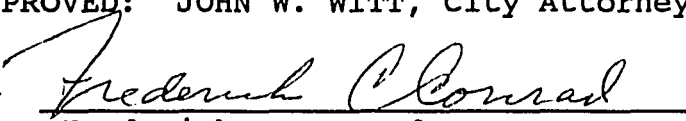
community plan, the Local Coastal Program, or any other applicable adopted plans and programs. The proposal is not consistent with the General Plan, the Otay Mesa-Nestor Community Plan and the coastal development plan.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Robert J. Krause, S.P.E. Corporation, by Richard A. Rubin of Sholders & Sanford, Inc., is denied; the decision of the Planning Commission is sustained; and Resource Protection Overlay Zone Permit No. 87-1098 for the River Trail Project is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
02/22/91  
Or.Dept:Clerk  
R-91-1151  
RPOZ 87-1098  
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DEC 11 1990

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"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<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 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 *Maybell L. Pontecorvo* Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-277058 Adopted DEC 11 1990