

(R-92-611)

RESOLUTION NUMBER R-278799

ADOPTED ON OCTOBER 8, 1991

WHEREAS, Robert J. Krause, S.P.E. Corporation, Inc., by Richard A. Rubin of Sholders & Sanford, Inc., appealed the decision of the Planning Commission in denying Tentative Map No. 87-1098 for the River Trail Project submitted by SPE Corporation for a 47-lot subdivision 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, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on October 8, 1991, 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 City Council adopts the following findings with respect to Tentative Map No. 87-1098:

1. The map proposes the subdivision of a 10.54-acre site into 47 lots for residential development (5-10 dwelling units per acre). This type of development is inconsistent with the General Plan and the Otay Mesa-Nestor Community Plan which designate the area for low density residential use (4.4 dwelling units per acre). The proposed map will not retain the community's

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character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements are inconsistent with the zoning/development regulations of the R1-5000 Zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, only as allowed under a planned infill residential development (PIRD) permit and a resource protection overlay zone (RPOZ) permit.

b. All lots meet the minimum dimension requirements of the R1-5000 zone, only as allowed under a PIRD and a RPOZ.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, only as allowed under a PIRD and a RPOZ.

d. Development of the site is controlled by Planned Infill Residential Development Permit and Resource Protection Overlay Zone Permit No. 87-1098.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating and/or cooling opportunities.

4. The site is not physically unsuitable for residential development. The harmony in scale, height, bulk, density, and

coverage of development creates an incompatible physical relationship to surrounding properties for which this area has been planned, because the area lacks school facilities.

5. The site is not physically suitable for the proposed density of development. This is inconsistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Environmental Impact Report No. 87-1098, which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The Planning Commission has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the


area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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, Inc., by Richard A. Rubin of Sholders & Sanford, Inc., is denied; the decision of the Planning Commission is sustained; and Tentative Map No. 87-1098 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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 *Phonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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