

RESOLUTION NO. 216893

R.77-610
SEP 29 1976

Planned Residential Development Permit No. 102

WHEREAS, VELIMIR PETAKOVICH, Owner, hereafter referred to as "Permittee," filed an application to construct 12 single-family detached dwellings on 1.8 acres in the R-1-5 (HILLSIDE REVIEW OVERLAY) Zone, located on the north side of Clairemont Drive between Frankfort Street and Erie Street, more particularly described as Lots 15-28, Block 70, Morena Amended Map, along with a portion of the Alley in Block 70 and a portion of Frankfort Street to be vacated; and

WHEREAS, on July 15, 1976, the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 528, granted said Planned Residential Development Permit to Permittee and filed the decision in the office of the City Clerk on July 28, 1976; and

WHEREAS, on July 27, 1976, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, ROBERT K. BURKETT appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 21, 1976, and continued to September 29, 1976, and testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0900, to affirm, reverse or modify, in whole or in part, any

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determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

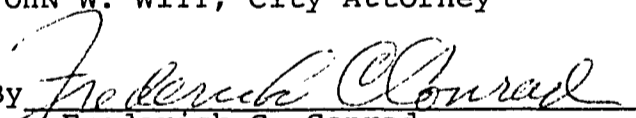
1. That the Council of The City of San Diego adopts as its findings of fact, required by Municipal Code, Section 101.0900 F.1, those findings contained in the Report of the Planning Department to the City Council dated July 8, 1976, attached hereto and made a part hereof.

2. That said 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 K. BURKETT is hereby denied, the decision of the Planning Commission sustained and this Council does hereby grant to VELIMIR PETAKOVICH, Permittee, Planned Residential Development Permit No. 102, in the form and with the terms and conditions as set forth in the form of permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
10/7/76

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PLANNING REPORTS

CITY PLANNING DEPARTMENT - SAN DIEGO, CALIF. 92101

236-6460

July 8, 1976

SUBJECT: Report to Planning Commission, Planned Residential Development Permit No. 102 to construct 12 dwelling units, Lots 15-28, Block 70, Morena Amended Map 809, City of San Diego, R-1-5 (HR) zone, 6.7 units per net acre. EQD No. 76-03-36P. Applicant: Velimir Petakovich.

BACKGROUND

This hearing concerns a request for a Planned Residential Development Permit to construct 12 dwelling units and to close an alley and a portion of Frankfort Street between Clairemont Drive and Gesner Street in the Clairemont Community. The subject property which consists of 1.8 acres is located north of Clairemont Drive and east of Erie Street in the R-1-5 (HR) zone.

The Clairemont-Mesa Community Plan generally designates this area for low density (5 to 10 dwelling units per net residential acre) and open space.

RECOMMENDATION

The Planning Department recommends APPROVAL of the planned residential development and street and alley closings based on the belief that the necessary four findings for approval can be met.

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THESE RECOMMENDATIONS ARE BASED ON INFORMATION AVAILABLE AT THE TIME OF THIS REPORT.

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ANALYSIS

Existing Conditions	Existing use of property <u>vacant</u>
	Existing zoning <u>R-1-5 (HR)</u> Proposed zoning <u>none</u>
	Surrounding: Use Zoning
	North <u>vacant and single family residences</u> <u>R-1-5</u>
	East <u>vacant (proposed PRD)</u> <u>R-1-5 HR</u>
	South <u>vacant and single family residences</u> <u>R-1-5</u>
	West <u>vacant and single family residences</u> <u>R-1-5</u>
Site Configuration	Site varies in elevation from <u>55</u> to <u>120</u>
	<u>61</u> % of site has slope of 35% or greater
	<u>100</u> % of property falls within HR Zone
	Description <u>property represents bottom and east facing slope of southern portion of canyon which extends northerly from Clairemont Drive.</u>
Dwelling Units	<u>12</u> dwelling units at <u>6.7</u> dwelling units/net acre.
	Type of unit <u>detached split level single family residences</u>
	Units to range from <u>1604</u> to <u>1700</u> square feet in floor area.
	Exterior materials <u>stucco siding and tile roofs</u>
Access, Parking	Vehicular access from <u>Gesner</u>
	<u>36</u> total parking spaces yield ratio of <u>3</u> spaces per unit.
	Description <u>parking to be along curb.</u>
Landscaping	Proposed plants <u>15-gallon Liquid Amber, groundcover lawns, ornamental trees and shrubs. The major slopes are proposed to be hydroseeded including Eucalyptus and a variety of native plant materials.</u>
Open Space	Total proposed open space versus required <u>30,300 sq. ft. more</u>
	Proposed usable open space versus required <u>2,000 sq. ft. less</u>
Recreation	<u>None</u>
Grading	<u>20,000</u> cubic yards are proposed to be moved.
	<u>89</u> % of slopes 35% or greater to be developed.
	<u>40</u> maximum slope height.
	<u>15:1</u> steepest slope ratio.
Price	Units to range in price from <u>\$50,000</u> to <u>\$60,000</u>

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PRD 102
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FINDINGS OF FACT

The first finding that must be met is that the proposed use at this particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community. The Planning Department believes that the subject project is necessary to assist in satisfying the demand for housing facilities within the community. It is further believed that this particular site represents a desirable location for housing because of the proximity to existing shopping, park facilities and schools.

The Department believes that the second finding can be met, that is, that such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity. Access from this project would be to Gesner Street with two points of access to Clairemont Drive, thus ensuring sufficient vehicular and emergency access.

The Planning Department believes that the third finding of fact which requires conformance to all design criteria set forth in the PRD ordinance will be met. The Department believes that by using split level structures and contoured grading the buildings will be well integrated, oriented and related to the topographic and natural landscape features of the site. It is also believed that the proposed hydroseeding of the slopes which includes native materials would insure a blending of the natural and manufactured slopes.

With the proposed loop system connecting Gesner Street and Clairemont Boulevard and the provision of three parking spaces per dwelling unit the Department believes that adequate circulation and offstreet parking would be provided.

The Department believes that sufficient open space is being provided within the subject project. Although 2,000 square feet less of usable open space is being proposed than required by the PRD ordinance the Department believes a deviation from the required usable open space is warranted. The Planning Commission may grant a deviation when it appears from the evidence presented at the public hearing that all of the following facts exist:

A. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings the strict application of the requirements deprives such property of privileges enjoyed by other property in the vicinity under identical zone classification.

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B. Any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is situated because of the conditions imposed.

C. That the granting of the deviation does not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted plan of any governmental agency.

Because of the steep topography on the subject property the Department believes that further grading for the purpose of creating usable open space as required by the ordinance is not warranted.

Finally the Department believes that the subject project would be compatible with existing and planned land uses within the area and would be architecturally harmonious with the surrounding existing and proposed development. The Department would point out that the Planning Commission has previously approved three planned residential developments consisting of 61 dwelling units easterly of the subject project. The architecture of the subject project will be similar in character to those previously approved.

The Planning Department believes that the fourth finding which stipulates that the granting of this permit will not adversely affect the Progress Guide and General Plan for the City of San Diego or any adopted community plan or the adopted plan or any governmental agency can be met. The Department believes the subject project is consistent with the low density residential designation to Clairemont-Mesa Community Plan. With respect to the open space designation this property was proposed to be purchased for open space purposes through an assessment district. The City Council voted to abandon the project on November 27, 1974, therefore, the Department believes that the subject project would not adversely affect the Clairemont Mesa Community Plan.

Finally the Department recommends that the alley and a portion of Frankfort Street between Clairemont Drive and Gesner Street be closed. These streets represent a gridiron pattern which do not relate to the existing topography. The Department believes that the proposed PRD better relates to the natural terrain of the site.

The San Diego City Schools have indicated that schools are considered to be available to serve this project. Students from this development would attend Toler Elementary School,

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Marston Junior High School, Pacific Peach Junior High School, Clairemont High School and Mission Bay High School.

A condition of approval of the tentative map would be that prior to approval of the final map an affirmative marketing plan shall be approved by the City Manager.

The Environmental Impact Report has been completed and is on file in the office of the City Clerk and is available for public review. A summary of the findings of this report are attached.

The recommendations of the Engineering and Development Department are also attached to this report.

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PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 102

CITY COUNCIL

This Planned Residential Development Permit is granted by the Council of The City of San Diego to VELIMIR PETAKOVICH, Owner, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0900 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee, under Planned Residential Development Permit No. 102, to construct 12 single-family detached dwellings on 1.8 acres in the R-1-5 (HILLSIDE REVIEW OVERLAY) Zone, located on the north side of Clairemont Drive between Frankfort Street and Erie Street, more particularly described as Lots 15-28, Block 70, Morena Amended Map, along with a portion of the Alley in Block 70 and a portion of Frankfort Street to be vacated.

2. The Planned Residential Development shall include and the term "Project" as used in the Planned Residential Development shall mean the total of the following facilities:

- a. 12 dwelling units.
- b. Offstreet parking.
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. An open space easement shall be granted and shown on said map on all areas not shown for building sites.

4. Not less than 36 parking spaces (or at a ratio of 3:1) shall be provided. Each of the parking spaces shall be a minimum of 8-1/2 feet by 20 feet in dimension and shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the C.C. & R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated July 15, 1976. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these offstreet parking spaces.

5. Exterior radio or television antennas shall be prohibited; however, one master antenna may be permitted for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.

6. Prior to the issuance of any building permits, a final subdivision map shall be recorded in the office of the County Recorder, except that permits may be issued for two model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.

7. Public refuse collection shall not be permitted unless approved by the Director of Public Works.

8. No building additions shall be permitted unless approved by the Planning Commission. Patio covers shall be permitted only if they are consistent with the architecture of the dwelling unit and have been approved by the Home Owners' Association.

9. All manufactured slopes shall have a ratio of 2:1, except as indicated on Exhibit "A" dated July 15, 1976.

10. The applicant shall post a copy of the approved resolution on exhibit in the sales office for consideration by each prospective buyer.

11. PCC sidewalk shall be provided from each unit to a walkway within the dedicated right-of-way, and if the walkway is contiguous to the curb, a five-foot general utility easement must be provided behind this walk.

12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R-1-5 Zone.

13. The Permittee shall comply with the General Conditions for Planned Residential Developments attached hereto and made a part hereof.

Passed and adopted by the City Council on September 29, 1976.

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated July 15, 1976, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the Project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated July 15, 1976, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by The City of San Diego as set forth in Section 101.0900 of the Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this planned residential development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned residential development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this planned residential development permit.

b. This planned residential development permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the Project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

8. The property included within this planned residential development permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

10. This planned residential development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Acknowledgment

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this _____ day of _____, 19____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that _____ executed the within instrument.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

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Passed and adopted by the Council of The City of San Diego on _____, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *Kathleen Martiny*, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number **216893** Adopted **SEP 29 1976**

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