

(R-83-576)

RESOLUTION NUMBER R- 257244

Adopted on SEP 28 1982

WHEREAS, WILLIAM L. KOSTELECKY and BEATRICE KOSTELECKY, individuals, hereafter referred to as "Owners," and RICHARD STRAUSS, an individual, hereafter referred to as "Permittee," filed an application to construct a second dwelling unit on .95 acres, where a dwelling unit now exists, on property located on the south side of Puente Drive between Castellana and Hillside Roads, in the R-1-8 and HR Zones, within the boundaries of the La Jolla Community Plan, and more particularly described as Parcel B, Division Lot 198 and a portion of Lot 61, La Jolla Hills, Map 1479; and

WHEREAS, on July 22, 1982, the Planning Commission of The City of San Diego made its findings of facts, granted said Planned Residential Development Permit No. 82-0243, and filed said decision in the office of the City Clerk; and

WHEREAS, on July 29, 1982, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, LA JOLLANS, INC., by Daniel D. Drobnis, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 28, 1982; and

WHEREAS, the Council of The City of San Diego received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearings; NOW, THEREFORE,

BE IT RESOLVED, that the Council of The City of San Diego hereby adopts as its findings the findings set forth in Planning Commission Resolution No. 3943, a copy of which is attached hereto and by this reference incorporated herein, and which findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that the appeal of LA JOLLANS, INC. by Daniel D. Drobni, is denied, the decision of the Planning Commission is upheld, and this Council does hereby grant to "Owners/Permittee" Planned Residential Development Permit No. 82-0243, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof and the following conditions:

1) A fully automatic fire sprinkler system is acceptable as an alternative to the grade and access problem which exists at 1833 Puente Drive; and

2) Sprinkler system to be installed in the interior of the house with a non-combustible roof and adequate clearance of brush from the exterior wall.

APPROVED: John W. Witt, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:imb
12/07/82
Or.Dept:Clerk
PRD No. 82-0243

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R. 257244

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the San Diego Progress Guide and General Plan and the La Jolla Community Plan.

The project will provide an additional high-quality, single-family residence, which is to be the personal residence of the applicant's family. Therefore, both an individual need is satisfied, as well as the community need for additional housing.

The project is consistent with and will not adversely affect the San Diego Progress Guide and General Plan and the La Jolla Community Plan. The proposed density of two units per acre conforms with the zoning of the project area and the La Jolla Community Plan designation of Very Low Density (0-5 dwelling units per acre). The project preserves more than half of the property in natural and landscaped open space (Residential Element, pages 15 and 24). The project carries out the following objectives in the La Community Plan: 1) the project provides a single-family dwelling of distinctive and varied architecture (Residential Element, page 15); 2) the project will be developed under a planned residential development permit, which affords substantial protection and control to the City of San Diego (Residential Element, pages 15, 24); 3) the project provides a significant visible open-space buffer area between the proposed residence and the open-space area to the south (Residential Element, page 24; Open Space, Parks and Recreation Element, page 54); 4) under the proposed conditions of approval, a geologic report is required (Residential Element, page 24).

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

The Engineering and Development Department has indicated that adequate access for vehicular traffic has been provided.

The project will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The proposed grading of approximately 3,200 cubic yards (with no significant cut or fill slopes) is minimal. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems or severe cutting or scarring due to the minimal impact of the grading and the proposed landscaping.

By preserving more than half of the property in natural and landscaped open space and by providing a high-quality, residential development with extensive landscaping, the proposed development will serve to preserve and enhance the natural environment and aesthetic qualities of the site. The Planning Department, based upon input from the Engineering and Development Department, believes this finding can be made.

3. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The applicant is not asking for any variances from the applicable regulations in the San Diego Municipal Code. The total open space provided, including usable open space, exceeds the requirements of the City.

PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 82-0243

CITY COUNCIL

This Planned Residential Permit is granted by the City Council of The City of San Diego to WILLIAM L. KOSTELECKY and BEATRICE KOSTELECKY, individuals, "Owners," and RICHARD STRAUSS, an individual, "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 Municipal Code of The City of San Diego, on condition that:

a) A fully automatic fire sprinkler system is acceptable as an alternative to the grade and access problem which exists at 1833 Puente Drive; and

b) Sprinkler system to be installed in the interior of the house with a non-combustible roof and adequate clearance of brush from the exterior wall.

1. Permission is hereby granted to "Owners/Permittee" to construct and operate a Planned Residential Development located on the south side of Puente Drive between Castellana and Hillside Roads, more particularly described as Parcel B, Division Lot 198 and a portion of Lot 61, La Jolla Hills, Map 1479 in the R-1-8 (HR) Zone, within the boundaries of the La Jolla Community Plan.

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. Two (2) dwelling units.

b. Off-street parking.

c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Prior to the issuance of any building permits, a final subdivision map or maps shall be recorded on the subject property.

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

5. Not less than five parking spaces (or at a ratio of 2.5:1) shall be provided. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through C.C. and R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A" dated September 28, 1982. 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 for use of these off-street parking spaces.

6. 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.

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

8. No manufactured slope shall be steeper than a ratio of 1-1/2:1.

9. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

10. 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-1-8 Zone.

11. This Planned Residential Permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the Permit.

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

Adopted by the Council of The City of San Diego on September 28, 1982.

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated September 28, 1982, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and 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 an appropriate application for an amendment to this permit has been approved and granted.
2. Prior to the issuance of any grading or building permits, a complete landscape 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 September 28, 1982, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit for any building. Such planting shall not be modified or altered unless this permit has been amended to permit such modification or alteration.
3. All outdoor lighting shall be shaded and adjusted so that the light therefrom is directed to fall only on the premises where such light sources are located.
4. This planned residential development permit must be utilized within 24 months after the effective date thereof. Failure to utilize the permit within 24 months will automatically void the permit unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0900 of the Municipal Code. The effective date of this permit shall be the seventh day following action by the Planning Commission or, if an appeal of the Planning Commission decision is filed, the effective date of the permit shall be the day on which the City Council acts to refuse to hear the appeal or, having heard the appeal, acts to approve the permit.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This planned residential development permit shall not be final until the seventh day following the decision of the Planning Commission and is subject to appeal to the City Council as provided in Section 101.0900 of the Municipal Code of The City of San Diego.
7. No development shall commence, nor shall any permit for construction be issued, until the following events have occurred:
 - a. Permittee has agreed to every condition hereof by having this planned residential development permit signed within 90 days of

GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS
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the Planning Commission's decision; in no event shall this condition be construed to extend the time limitation as set forth in Condition No. 4 above, i.e., the time commences to run on the date that the Planning Commission granted this planned residential development permit;

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

8. After establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Director.

9. The property included within this planned residential development shall be used only for the purposes and under the terms and conditions set forth in this permit unless specifically authorized by the Planning Director of unless the permit has been revoked by The City of San Diego.

10. 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 the Permittee or 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 initiated by the City or Permittee. The Planning Director may cancel or revoke this permit, with that decision appealable to the Planning Commission; public notice will be provided as in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within seven (7) days after the decision is filed with the City Clerk; the City Clerk shall set this matter for public hearing before the City Council, giving notice as provided in Section 101.0900.

11. 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 on Permittee and any successor or successors thereto, and the interests of any successor shall be subject to every condition herein set out.

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

SEP 28 1982

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-257244 Adopted SEP 28 1982