

RESOLUTION NUMBER R- 259752

Adopted on DEC 06 1983

WHEREAS, MARY E. CLARK, et al., appealed the decision of the Planning Commission in approving an Extension of Time to Planned Residential Permit No. 20-203-0, permitting construction and operation of 110 attached dwelling units on 68.68 acres of land located on the east side of Fairmount Avenue, between Montezuma Road and Natalie Drive, described as portions of Lot 23 of Rancho Mission of San Diego, in the R-1-5 (HR) and R-1-40 (HR) Zones, in the Mid-City Community Plan and State University Area Plan areas; and

WHEREAS, on October 20, 1983, the Planning Commission voted 4 to 0 to approve the Extension of Time to Planned Residential Development Permit No. 20-203-0 and uphold the decision of the Subdivision Board; and

WHEREAS, on November 3, 1983, pursuant to the provisions of Section 101.0900 of the San Diego Municipal Code, MARY E. CLARK, et al., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 6, 1983, 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


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, that the Council of The City of San Diego finds there has been no material change of circumstances since Planned Residential Development Permit No. 20-203-0 was originally granted.

BE IT FURTHER RESOLVED, that this Council adopts the findings set forth in Planning Report No. 83-490, dated October 14, 1983, 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 herein incorporated by reference.

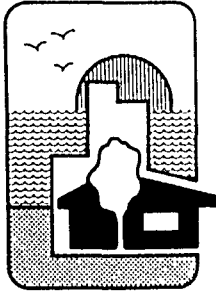
BE IT FURTHER RESOLVED, that the appeal of MARY E. CLARK, et al., is denied; the decision of the Planning Commission to deny the appeal is sustained, and said Extension of Time to Planned Residential Permit No. 20-203-0 to December 6, 1985 is hereby granted to Owner/Permittee as set forth in the permit, a copy of which is attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:imb:640
12/13/83
1/6/84 (Rev.1)
Or.Dept:Clerk
PRD-83-0567
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Planning Reports

CITY PLANNING DEPARTMENT • SAN DIEGO, CALIF. 92101 • 236-6460

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DATE ISSUED: October 14, 1983 REPORT NO. 83-490

ATTENTION: Planning Commission, Agenda of October 20, 1983,
Item Nos. 12 and 13.

SUBJECT: APPEAL OF PLANNED RESIDENTIAL DEVELOPMENT PERMIT
AND ACCOMPANYING TENTATIVE MAP NO. 83-0567.

DESCRIPTION: Located on the east side of Fairmount Avenue
between Montezuma Road and Natalie Drive in the
R-1-5(HR) and R-1-40(HR) zones. EQD No. 80-05-19.
EIR. Applicant: Fairmount Limited. Mid-City
Community Plan and State University Area Plan.

SUMMARY:

Issue - Should the Planning Commission APPROVE an appeal of an extension of time for a 110-attached unit Planned Residential Development and accompanying tentative map?

Department Recommendation - Deny the appeal and uphold the decision of the Planning Director for the Planned Residential Development and the accompanying tentative map.

Fiscal Impact - None

Environmental Impact - The Environmental Quality Division completed an Environmental Impact Report on the original project, No. 80-05-19 EIR and has determined for the extension of time request that there has been Adequate Prior Review (APR).

BACKGROUND:

This hearing concerns a request for a Planned Residential Development to construct 110-attached dwelling units on 68.68 net acres. The Planned Residential Development Permit and tentative map for the proposed project was approved by the City Council of The City of San Diego on August 18, 1981, for a period of two years in accordance with the State Map Act and local ordinances. The applicant requested an extension of time since he was unable to file and record the tentative map and on

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

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September 19, 1983, the Planning Director and Subdivision Board approved a two-year extension of time respectively to the PRD and tentative map. The findings made to support this request were based on there being no material change in circumstances relative to this project from the time the City first approved the development. The appeal submitted on the Planning Directors and Subdivision Boards action of September 19, 1983, is for the extension of time only and does not appeal any other aspect of the development. Attached to this report is a copy of the PRD Permit granted by the City Council and a copy of the extension of time approved by the Planning Director. A copy of the Tentative Map Resolution and Revisions approved by the Subdivision Board on September 18, 1982, are also attached. The adopted Mid-City Community Plan and State University Area Plan show this area for 0-5 dwelling units per acre and open space.

ANALYSIS:

Existing Conditions

Existing use of property: Vacant
 Existing zoning: R-1-5 (HR) and R-1-40 (HR)
 Proposed zoning: R-1-5 (HR) and R-1-40 (HR)
 Surrounding:

	<u>Use</u>	<u>Zoning</u>
North	Residential	R-1-40
East	Residential	R-1-5
South	Residential	R-1-5
West	Residential	R-1-40

Site Configuration

Site varies in elevation from 156 feet to 356 feet above sea level
 83% of site has slope of 25% or greater
 100% of property falls within HR Zone
 Description: The property lies in two major canyons which are improved with major streets with Montezuma Road on the north boundary and Fairmount Road on the west boundary. Finger canyons and steep, well vegetated slopes comprise a majority of the site.

Dwelling Units

110 dwelling units at 1.6 DU/NA
 Type of unit: Attached Multi-Family Units range from 590 to 1,669 square feet in floor area. Exterior materials: wood, plaster, masonite siding and composition roofing

Access, Parking

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Vehicular access from Fairmount Avenue. 312 total parking spaces yield ratio of 2.8 spaces per unit. Description: Tenant parking will beat a ratio of 2 spaces per dwelling unit and be contained in garages. Guest parking will be curbside, bays and outside tandem spaces.

Landscaping

Proposed plants: Platanus Acerifolia, Eucalyptus, Ceanothus Horizontals, Rhus Interifolia and Rhus Ovata in one to fifteen gallon sizes.

Open Space

Total proposed open space versus required +60.57 acres.
Proposed usable open space versus required +1.07 acres.

Recreation

Tennis courts, swimming pool and recreation building

Grading

144,000 cubic yards are proposed to be moved.
5% of slopes 25% or greater to be developed.
32 maximum slope height.
2:1 steepest slope ratio.

Price

Units to range in price from \$80,000 to \$160,000

FINDING OF FACT:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the City of San Diego Progress Guide and General Plan ("General Plan"), the Mid-City Community Plan ("Mid-City plan") and the State University Area Plan ("State plan"):
 - a. The project fulfills an individual and community need by providing for additional housing in an area where a substantial demand exists.
 - b. The project will not adversely affect the General Plan, Mid-City plan or State plan, by reason of the following:
 - 1) The project preserves over 88% of the property in natural and permanent open space. The open space

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area will be dedicated to the City for its permanent use and protection. (General Plan, pages 95-99; Mid-City plan, pages 40, 43 and 46; State plan, pages 41-43.)

- 2) The proposed density conforms with the zoning of the project area (R-1-5 to R-1-40). The General Plan provides that open space that is not publicly owned or acquired will be preserved through regulatory devices and these areas will be permitted to develop in a manner consistent with the zoning as applied to them. (General Plan Land Use Map, General Plan, page 98.)
 - 3) The project preserves all of Montezuma Canyon as open space which will be dedicated to the City for its permanent use and protection. The State plan, in which Montezuma Canyon is located, provides that open space be limitedly developed under zoning and/or acquisition initiated through private means. (State plan, page 42.)
 - 4) The project provides high quality multi-family residential development. (Mid-City plan, page 39.)
 - 5) The project provides for the efficient use of residential land and various densities according to locations and nature of the area. (Mid-City plan, page 47.)
 - 6) The project provides open space of over 88% of the project site in conjunction with a planned unit development. (Mid-City plan, page 52.)
 - 7) The project provides a planned residential development in a canyon and with negligible impact on the hillsides. (General Plan, page 199.)
 - 8) The project provides sensitive development which is built in a way which complements the natural character of hillsides and relates well to the regional open space system. (General Plan, page 163.)
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:


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- a. The design and grading plan for the project will leave the majority of the canyons and hillsides undisturbed and preserved in their natural state. The project will involve only a minimal cutting of canyon walls. This minimal cutting is far less than would result from an alternative project of one unit per acre.
- b. No erosion, slide damage, or flooding problems will occur due to the minimal grading on canyon walls, the proposed landscaping and the installation of a canyon subdrain system.
- c. An extensive landscaping plan will improve the general visual quality of the area adjacent to and viewed from Fairmount Avenue and will buffer the development from surrounding residences.
- d. Additional traffic impacts will be minimal and the project will include the addition of a third lane to control access into and out of the development.
- e. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises. The development of the project will involve only a minimal cutting of canyon walls and minimal disturbance to the canyon. The proposed grading of 144,000 cubic yards is minimal in relation to the 69.7-acre project area. The ratio of total cubic yards per dwelling unit (approximately 1,309 per unit) is not excessive in comparison with other developments and subdivisions.
- f) 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 on canyon walls, the proposed landscaping and the installation of a canyon subdrain system.
- g) By preserving over 88% of the property in natural and 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 the aesthetic qualities of the site.

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3. The proposed use will comply with the relevant regulations in the Municipal Code.



Lee Okeson
Deputy Director

Korch: (236-5572) :ms

ATTACHMENTS:

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PLANNED
RESIDENTIAL DEVELOPMENT PERMIT

NO. 83-0567

(EXTENSION OF TIME TO PRD PERMIT NO. 20-203-0)

CITY COUNCIL

This Planned Residential Development Permit Extension of Time is granted by the City Council of The City of San Diego to FAIRMOUNT, LTD., a limited partnership, "Owner/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.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a planned residential development on premises located on the east side of Fairmount Avenue, between Montezuma Road and Natalie Drive, more particularly described as portions of Lot 23, Rancho Mission of San Diego, in the R-1-5 (HR) and R-1-40 (HR) Zones.

2. This Planned Residential Development Permit shall be amended as follows:

Delete Condition No. 4 of the General Conditions for Planned Residential Developments and, in its stead, substitute the following:

This Planned Residential Development Permit, granted by the City, shall be utilized prior to August 18, 1985. Failure to utilize the Planned Residential Development Permit prior to December 6, 1985, will

automatically void the same. The planned residential development shall be subject to all the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0900 of the San Diego Municipal Code.

Adopted by the Council of The City of San Diego on December 6, 1983.

AUTHENTICATED BY:

Roger E. Hedgecock
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO)

On this _____ day of _____, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

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

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Planned Residential Development Permit and promises to perform each and every obligation of Permittee hereunder.

FAIRMOUNT, LTD., a limited partnership

BY _____

By _____

NOTE: NOTARY ACKNOWLEDGEMENTS MUST
BE ATTACHED PER CIVIL CODE,
SEC. 1180 et seq.

Form=ACK

01-074-0
April 2, 1981

PLANNING COMMISSION RESOLUTION NO. 3095

WHEREAS, FAIRMOUNT LIMITED AND HALL ENGINEERING filed a 94-lot subdivision of Portions of Lot 23, Rancho Mission of San Diego, located on the east side of Fairmount Avenue and south side of Montezuma Road in the R-1-40 and R-1-5 HR zones; and

WHEREAS, on April 2, 1981, the Planning Commission of The City of San Diego considered the appeal of FAIRMOUNT PRD, TM 01-074-0, pursuant to Section 102.0307 of the Municipal Code of The City of San Diego and received for its consideration documentary, written and oral testimony, and heard from all interested parties present at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, that the Planning Commission of The City of San Diego makes the following findings:

1. The proposed map is consistent with the General Plan, Mid-City Community Plan and State University Area Plan which designate the property for open space and very low density residential use.
2. The design and proposed improvements for the subdivision are consistent with the General Plan, State University Area Plan, Mid-City Community Plan, R-1-40 and R-1-5 HR Zoning/Development Regulations, PRD 20-203-0 and State Map Act Section 66473.1.
3. The site is physically suitable for residential development.
4. The site is suitable for the proposed residential density of development.
5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 80-05-29 EIR.
6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with R-1-40 and R-1-5 HR zoning and conforms with City development regulations and PRD 20-203.
7. 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.
8. That said Findings are supported by the minutes, maps and exhibits all of which are herein incorporated by reference.

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BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, FAIRMOUNT PRD, TM 01-074-0, is hereby APPROVED, subject to the following conditions:

1. This tentative map shall expire concurrently with Planned Residential Development Permit No. 20-203-0 on April 2, 1983.
2. The "General Conditions of Approval for Tentative Maps" filed in the office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a Building Permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
4. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
5. The subdivider must provide a Geological Reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of Municipal Code Section 62.0410 et seq.
6. Fairmount Avenue shall be improved adjacent to the subdivision with additional paving as required in order to provide a 44-foot-wide paved roadway for the northbound lanes between the southerly subdivision boundary and the ramp to Montezuma Road on the north. An off-site transition, satisfactory to the City Engineer, shall be provided on the south as shown on the approved tentative map. Additional right-of-way shall be dedicated so as to establish a 10-foot curb-to-property line distance. Access into and out of the subdivision shall be by right turns only. A median break on Fairmount Avenue will not be allowed.
7. Access rights shall be relinquished on Fairmount Avenue except as required for Street "A." The revestment of access rights for Street "A" will be coordinated with Council approval of the final subdivision map.
8. The subdivider shall construct curb and 5-foot-wide sidewalk along Fairmount Avenue from the southerly subdivision boundary, on the ramp to Montezuma Road, and along Montezuma Road to the easterly subdivision boundary as shown on the approved tentative map.

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9. The subdivider must enter into an agreement with the City waiving the right to oppose a special assessment initiated for street improvements on Montezuma Road.
10. Street "A" shall be dedicated westerly of the private entrance cul-de-sac and fully improved with curbs, sidewalks, and 30 feet of paving within a 50-foot-wide right-of-way as shown on the approved tentative map.
11. The remaining portion of Street "A" and all of Streets "B" and "C" will be privately named streets constructed to the alignment, grade, and cross-section shown on the approved tentative map and will be constructed within general utility and access easements that are 15 feet wider than the paved roadway width. No parking is permitted except as shown on the PRD exhibit. ✓
12. A hammerhead turnaround, satisfactory to the City Engineer, shall be constructed at the southerly end of private Street "B."
13. The vacating of the old alignment of Fairmount Avenue, as shown on the approved tentative map, shall be coordinated with Council approval of the final subdivision map. This street vacation may require the use of the 1941 Street Vacation Act procedures. The sale to the subdivider of any vacated right-of-way owned in fee by the City shall also be coordinated with Council approval of the final subdivision map.
14. WATER REQUIREMENTS
 - a. The subdivider shall install either a public or private water system. If a public system is chosen, the system must be supplied from two points and must be designed and constructed satisfactory to the City Engineer.
 - b. The subdivider shall grant a 25-foot-wide water easement for the existing 36-inch El Capitan Pipeline.
 - c. The subdivider shall install fire hydrants at locations satisfactory to the City Engineer.
15. SEWER REQUIREMENTS
 - a. The subdivider shall install a public or private gravity sewer system adequate to serve all lots and connecting to the existing 15-inch sewer main. If a public system is chosen, the system shall be designed and constructed in a manner satisfactory to the City Engineer.
 - b. The subdivider shall grant a 25-foot-wide water easement for the existing 15-inch sewer main.

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- 16. The subdivider shall grant open space easements, satisfactory to the City Engineer, over the undisturbed slopes within the subdivision.
- 17. The mitigating measures proposed in the Environmental Impact Report for this subdivision are incorporated herein as though individually enumerated and shall be complied with as a condition of the final map.
- 18. Prior to recordation of any final subdivision map by the City Council, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
- 19. This map shall conform to Planned Residential Development Permit No. 20-203-0.

APPROVED: JOHN W. WITT, CITY ATTORNEY

BY *Frederick C. Conrad*
 Frederick C. Conrad, Chief Deputy

PASSED AND ADOPTED BY THE PLANNING
 COMMISSION OF THE CITY OF SAN DIEGO,
 CALIFORNIA ON APRIL 2, 1981
 BY A VOTE OF 6-1

BY _____

In the event that you are dissatisfied with any action of the Planning Commission with respect to the tentative map, you may appeal directly to the City Council within 15 days. Notice of appeal shall be in writing and filed with the CITY CLERK.

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CITY of SAN DIEGO
MEMORANDUM

FILE NO.: 83-0567 / EOT (formerly TM 01-074)
DATE : September 14, 1983
TO : Planning Department
FROM : Engineering Department
SUBJECT: Time Extension for Tentative Map - FAIRMOUNT PRD

This tentative map was denied by the Subdivision Board and subsequently approved by the Planning Commission and the City Council on appeal. The tentative map became effective with City Council approval on August 18, 1981. The Engineering Department has no objection to a two-year time extension for this tentative map to August 18, 1985.

It is recommended the conditions of Planning Commission Resolution 3095 be amended as follows:

AMEND Condition 11 to read: The remaining portion of Street "A" and all of Streets "B" and "C" shall be named, non-dedicated, privately maintained, private streets constructed within general utility and access easements that are 15 feet wider than the paved roadway width. No parking is permitted on these private streets except as shown on the PRD parking exhibit.

AMEND Condition 13 to read: The vacating of the old alignment of Fairmount Avenue, as shown on the approved tentative map, shall be coordinated with Council approval of the final subdivision map. The sale to the subdivider of any vacated right-of-way owned in fee by the City shall also be coordinated with Council approval of the final subdivision map.

ADD Condition 14-d:

- d. The subdivider shall grant a 15-foot-wide water easement from the El Capitán Pipeline through the subdivision, at an alignment satisfactory to the City Engineer, to the proposed Colony Point Subdivision, TM 83-0241.

AMEND Condition 15-b to read:

- b. The subdivider shall grant a 25-foot-wide sewer easement for the existing 15-inch sewer main.

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TM 83-0567

DELETE Condition 17.

ADD Condition 20: The project shall be modified as set forth on the Plot Plan filed with the City Council on August 18, 1981.

ADD Condition 21: The project as modified shall be subject to the review and approval of the final grading, landscaping, and building plans by the Planning Director.


J. F. McLaughlin
Development Coordinator

BR/jm

NOTE: City Council Resolution 254835 approving the tentative map contains revised findings which the Subdivision Board may want to incorporate into the resolution for this time extension.

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PLANNING DIRECTOR RESOLUTION NO. 4475

GRANTING PLANNED RESIDENTIAL DEVELOPMENT PERMIT NO. 83-0567
EXTENSION OF TIME NO. 1

WHEREAS, on September 19, 1983, the Planning Director of The City of San Diego considered a request by FAIRMOUNT LTD., a Limited Partnership, "Owner/Permittee," for an extension of time to Planned Residential Development Permit No. 83-0567 (Original Permit No. 20-203-0), which was approved by the City Council on August 18, 1981, and which permitted 110-attached dwelling units and recreational facilities, located on the east side of Fairmount Avenue between Montezuma Road and Natalie Drive, described as Portions of Lot 23, Rancho Mission of San Diego, in the R-1-5 (HR) and R-1-40 (HR) zones; and

WHEREAS, pursuant to Section 101.0900 of the Municipal Code of The City of San Diego, the Planning Director of The City of San Diego finds that there has been no material change of circumstances since the permit was originally granted; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of The City of San Diego that Planned Residential Development Permit No. 83-0567 (Original Permit No. 20-203-0) Extension of Time No. 1, to August 18, 1985, is hereby APPROVED.



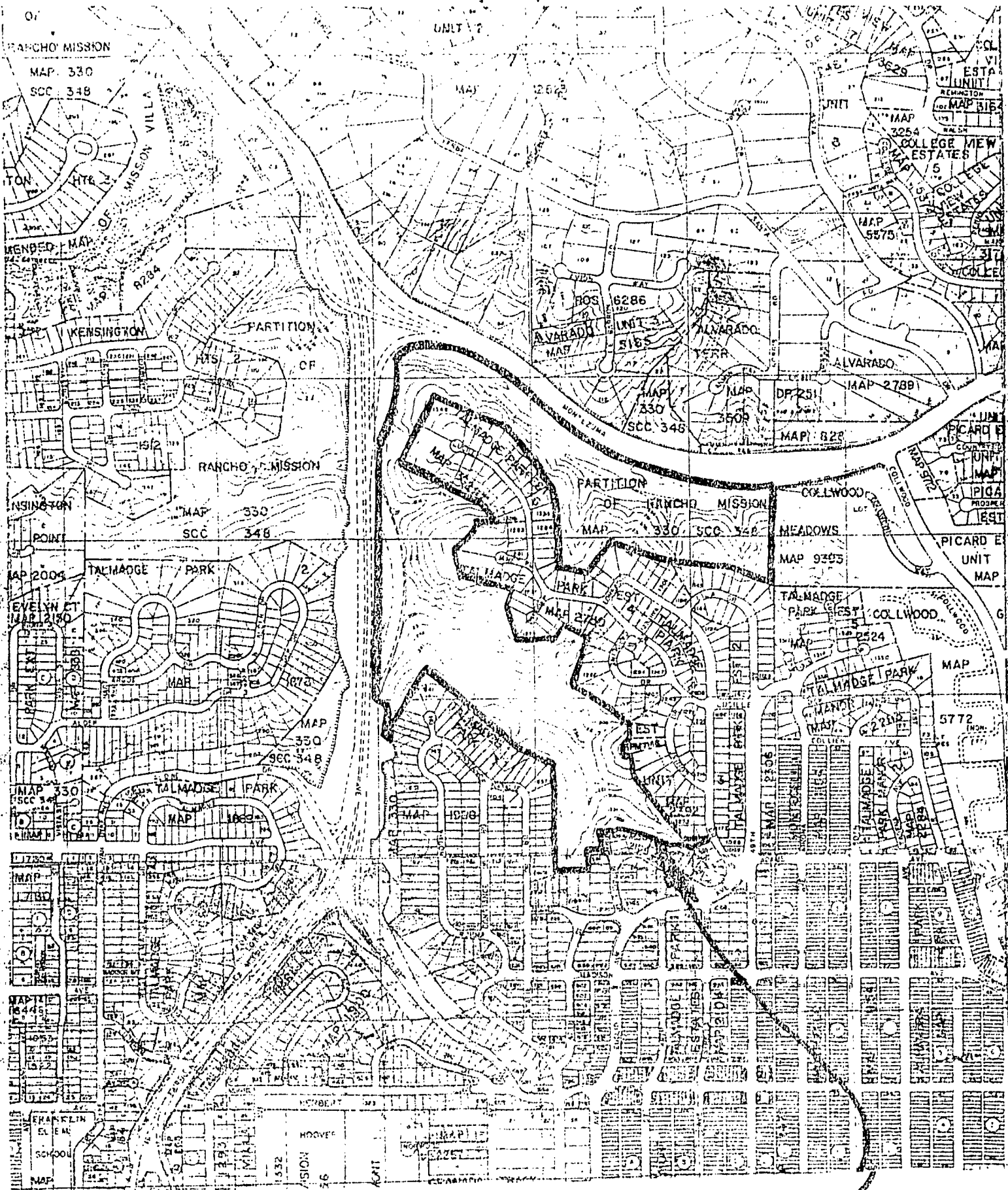
Jack Van Cleave
Planning Director



Anne L. Rast
Senior Planner

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FAIRMOUNT PRD - SUBJECT
PROPERTY
02004
R-259752

DEC 06 1983

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Maxwell L. Postlewaite, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-259752 DEC 06 1983
Number Adopted