

RESOLUTION NUMBER R- 260045

Adopted on JAN 31 1984

WHEREAS, GARY M. THOMAS appealed the decision of the Planning Commission in denying Hillside Review Permit HRP-83-0554 for a residential townhouse project on an 0.34 acre site, located at 4055 Eagle Street, described as Lots 11 to 14, Block 49, Arnold and Choates Addition, Map No. 334, in the R-1000 Zone, in the Uptown Community Plan area; and

WHEREAS, on November 3, 1983, the Planning Commission voted 6 to 0 to deny the appeal, deny the Hillside Review Permit and uphold the decision of the Planning Director; and

WHEREAS, on November 3, 1983, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, GARY M. THOMAS appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on December 6, 1983, continued to January 17, 1984 and to January 31, 1984, 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 101.0454, 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, by the Council of The City of San Diego as follows:

That the City Council adopts as its findings the following:

1. The proposed project will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot.

(a) The total grading of 1600 yards is very small in comparison with any development whether within or without the Hillside Review Overlay Zone.

(b) The project has been designed to maintain a 73-foot rear yard setback where 15 feet is required, thereby minimizing encroachment into the canyon.

(c) The proposed density of 11 units is less than the permitted density of 15 under the applicable zoning and community plan designation.

(d) The area to be graded has been previously disturbed and is not natural terrain. As indicated in a letter on file with the Planning Department from the project soils engineer, C. H. Wood & Associates, nearly the entire site has been previously disturbed by terracing of the property and the construction of the existing improvements.

(e) Alternative building designs which would concentrate greater density near Eagle Street would have a more substantial adverse impact from a bulk and scale point of view.

2. Grading and excavation proposed in connection with the project will not result in soil erosion, silting of lower slopes, slide damage, flooding problems or severe cutting or scarring.

(a) As indicated in Planning Director Resolution No. 4566, the landscaping proposed would serve to adequately reduce or eliminate the above potential problems.

3. The proposed project will serve to preserve and enhance the natural environment and the aesthetic qualities of the site.

(a) Proposed grading is kept to a minimum (1600 yards total) by stepping of the structure.

(b) The project has been designed to maintain a 73-foot rear yard setback where 15 feet is required. Native plant materials will be introduced into this setback area where none presently exist pursuant to a comprehensive landscape plan.

(c) Proposed grading avoids the natural areas of the property which are preserved.

(d) The design of the proposed project provides all underground parking and avoids any exposed cut or fill slopes.

(e) The design will afford public views of the canyon where none presently exist.

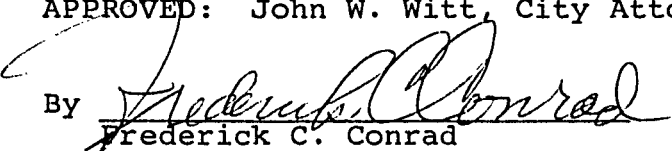
4. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of GARY M. THOMAS is granted; the decision of the Planning Commission to deny the

appeal is overruled, and said Hillside Review Permit is hereby granted in the form and with the terms and conditions as set forth in Hillside Review Permit No. 83-0554 attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:imb:632  
02/15/84  
R-84-1350  
Or.Dept:Clerk  
HRP-83-0554  
Form=r.none

HILLSIDE REVIEW PERMIT  
NO. 83-0554  
CITY COUNCIL

This Hillside Review Permit is granted by the City Council of The City of San Diego to GARY M. THOMAS, Permittee, for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0454 of the San Diego Municipal Code.

Permission is hereby granted to Permittee to construct an 11-unit residential townhouse project on an 0.34 acre site located at 4055 Eagle Street, in Zone R-1000 of the Uptown Community Plan, further described as Lots 11 to 14, Block 49, Arnold and Choates Addition, Map No. 334, subject to the following conditions:

1. Prior to the issuance of any grading or building permits, Permittee shall grant to The City of San Diego an open space easement over the area of the rear yard setback of the subject property, the form of which grant of easement shall be reviewed and approved by the City Attorney.

2. No permit for grading shall be granted nor shall any activity authorized by this Permit be conducted on the premises until:

- a. Permittee signs and returns this Permit to the Planning Department, and

- b. This Permit is recorded in the office of the County Recorder.

If the signed Permit is not received by the Planning Department within 90 days of the City Council decision, the Permit shall be void.

3. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 31, 1984, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this Permit shall have been granted.

4. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated January 31, 1984, on file in the office of the Planning Department. Approved planting shall be installed before occupancy of the premises. Such planting shall not be modified or altered unless this Permit has been amended.

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

6. This Hillside Review Permit may be revoked by the City if there is a material breach or default in any of the conditions of this Permit.

7. This Hillside Review Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out herein.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JANUARY 31, 1984.

Form=CUP

AUTHENTICATED BY:

Roger 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 HEDGECOCK, 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 Hillside Review Permit and promises to perform each and every obligation of Permittee hereunder.

By \_\_\_\_\_  
GARY M. THOMAS

By \_\_\_\_\_

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

Form=ACK



JAN 31 1984

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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.

By Barbara Berridge, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-260045 Adopted JAN 31 1984