

RESOLUTION NUMBER R- 260106

Adopted on FEB 14 1984

WHEREAS, COTTONWOOD DEVELOPMENT CORPORATION, by Raymond W. Pattison, President, appealed the decision of the Planning Commission in denying Hillside Review Permit HRP-82-0623 for a 24-unit condominium/apartment complex on an 0.39 acre site, located at the northwest corner of Brookes and First Avenues, described as Lots 13, 14 and a portion of 15, Block 12, Cleveland Heights, Map No. 621, in the R-600 (HR) Zone, in the Uptown Community Plan area; and

WHEREAS, on January 5, 1984, the Planning Commission voted 5 to 1 to deny the appeal, deny the Hillside Review Permit and uphold the decision of the Planning Director; and

WHEREAS, on January 5, 1984, pursuant to the provisions of Section 101.0454 of the San Diego Municipal Code, COTTONWOOD DEVELOPMENT CORPORATION, by Raymond W. Pattison, President, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on February 14, 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 development site has been disturbed at least twice in the past by construction of street improvements. The entirety of the property soils is comprised of uncompacted fill material and will require recompaction for any future development. The resulting disturbance to the natural terrain, therefore, will be the minimum required to allow stabilization of the soil for responsible development.

2. The grading and excavation is balanced. Grading and excavation proposed in connection with the development will not result in soil erosion, silting of the lower slopes, slide damage, flooding problems or severe cutting or scarring. Improved erosion, sewage and drainage control measures have been incorporated into the development plans.

3. The proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site based upon the following factors presented by the applicant:

a. The site will receive extensive landscaping to maintain the integrity of the canyon area;

b. The overall zoning setbacks for the proposed development exceed the standard City requirements;

c. Neighborhood and community support for the proposed development as planned on the site reflect the community's interest in receiving both financial and

aesthetic benefits;

d. The colors and textures of the exterior of the proposed development have been studied and coordinated to blend into the surrounding canyon area, and


e. The proposed development will further enhance the community and property site by reinforcing the policy of infilling and redevelopment.

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 COTTONWOOD DEVELOPMENT CORPORATION, by Raymond W. Pattison, President, 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. 82-0623 attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:imb:632
02/21/84
R-84-1418
Or.Dept:Clerk
HRP-82-0623
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HILLSIDE REVIEW PERMIT
NO. 82-0623
CITY COUNCIL

This Hillside Review Permit is granted by the City Council of The City of San Diego to COTTONWOOD DEVELOPMENT CORPORATION, a California corporation, 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 a 24-unit residential building on an 0.39 acre site located at the northwest corner of Brookes and First Avenues, in the R-600 (HR) Zone of the Uptown Community Plan, further described as Lots 13, 14 and a portion of 15, Block 12, Cleveland Heights, Map No. 621, subject to the following conditions:

1. Slopes shall not exceed 1.5:1 in grade.
2. Permanent alley improvements to be constructed shall be full-width for approximately 80 feet northerly of Brookes Avenue to a point beyond the entrance to the parking level.
3. 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.

4. 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 February 14, 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.

5. 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. Plans shall be in substantial conformance to Exhibit "A," dated February 14, 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.

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

7. 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.

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8. 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 FEBRUARY 14, 1984.

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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 HEDGECKOCK, 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.

COTTONWOOD DEVELOPMENT CORPORATION

By _____

By _____

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

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Passed and adopted by the Council of The City of San Diego on FEB 14 1984,
 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 type="checkbox"/> | <input checked="" 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 *Jane A. Blackwell*, Deputy.

(Seal)

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|---|----------------------------|
| Office of the City Clerk, San Diego, California | |
| Resolution Number <u>R-260106</u> | Adopted <u>FEB 14 1984</u> |