

(R-87-1706)

RESOLUTION NUMBER R-267669

ADOPTED ON FEBRUARY 10, 1987

WHEREAS, on October 15, 1986, the Board of Zoning Appeals considered the appeal of Deborah Szekely, in Case C-16952, regarding the Zoning Administrator's approval of extension of time to Carey Enterprises which approved the construction of a three-story, single family dwelling on each lot: (1) to observe a 0'0" front yard on Lots C, D, E and F where 15'0" is required; (2) to observe a 4'0" interior side yard on each side where 7'0" is required for a three-story building in the R-400 Zone on Lots A, B and C; (3) to observe 6'4" side yard on Upas Street where 10'0" is required; (4) to erect approximately 77'0" of retaining wall with a maximum height of 5'0" observing a 0'0" street side yard on Upas Street where a maximum 3'0" high wall is permitted in a 10'0" street side yard and 301'0" of retaining wall in a public right-of-way (49' of retaining wall along the southerly property line of Lot F adjacent to Dove Street) maximum 7'4" in height and extension of improvement of Dove Street on Lots B, C, D, E and F and subject to conditions - Lots A - F, Block 396, Horton's Addition, Map No. DB13/522, located at the east side of Dove Street, south of Curlew and Upas Streets, R-400 Zone (Lots A, B and C), R1-5000 Zone (Lots D, E and F), Hillside Review Overlay Zone; and

WHEREAS, in arriving at their decision, the Board of Zoning Appeals considered the Zoning Administrator's decision and

findings, conducted an inspection of the subject property and heard public testimony presented at the hearing; and

WHEREAS, the Board of Zoning Appeals found that there had been a material change in circumstance which would not allow the extension of time to be granted on the project as currently proposed. The Board of Zoning Appeals believed that the applicant should be permitted to develop his property, but that that development should be sensitive to the hillside. The Board of Zoning Appeals believed that there were discrepancies in the plans and that the amount of grading was excessive given the existence of the Hillside Review Overlay Zone. The Board of Zoning Appeals believed that there were other avenues available for development of this site which the applicant should explore. The Board of Zoning Appeals believed that the applicant could design a cluster development or at least eliminate the improvements to the street to the width and extent currently proposed. The Board of Zoning Appeals believed that there have been many changes since the original approval of the project in 1980 regarding development of the hillside lots that the applicant was not incorporating; and

WHEREAS, the Board of Zoning Appeals denied the appeal of Deborah Szekely and overturned portions of the Zoning Administrator's approval, modified conditions imposed by the Zoning Administrator and approved a request for an extension of time; and

WHEREAS, in arriving at its decision, the Board of Zoning Appeals adopted finding of facts and made its approval subject to the following conditions:

1. The applicant shall submit revised plans no later than April 1, 1987, to be reviewed by the Board of Zoning Appeals in a public hearing;

2. Said revised plans shall incorporate a development more sensitive to the hillside with reduced grading and minimal utilization of walls with reduced overall height in the public right-of-way and on the subject property;

3. New grading plans shall be submitted to and approved by the Board of Zoning Appeals regarding the development in total;

4. Final plans shall indicate no grading occurring at the rear of the units on Lots C, D, E and F;

5. The east facing building wall shall constitute the extent of the encroachment into the hillside review element for each lot;

6. New landscaping plans shall be submitted to and approved by the Board of Zoning Appeals incorporating previous concerns and new concerns expressed at the Zoning Administrator's hearing as well as at the Board of Zoning Appeal's hearing;

7. The landscape plan shall include the area between the Dove Street improvements and the building wall on each of the subject sites;

8. All landscaping areas, including Dove Street, shall be maintained in a good healthy, growing condition at all times;

9. Any retaining walls shall be of earth tone and similar material as used in the development at the northeast corner of Curlew Street and Reynard Way;

10. The project shall comply with all requirements of the Engineering and Development Department specifically but not limited to grading, drainage, retaining walls and Dove Street improvements;

11. The applicant shall submit plans for the 40' of retaining wall abutting Parcel C indicating review by the owner of Parcel C and the Engineering and Development Department;

12. The project shall attenuate interior noise levels to 45 CNEL;

13. The project shall comply with the requirements of the Building Inspection Department;

14. In the event that the lots are to be sold separately, that a nonrevocable, access easement shall be submitted to and approved by the Zoning Administrator and recorded with the County Recorder for Lot A's driveway access across Lot B;

15. This extension of time and this Hillside Review Permit No. 139 shall be extended to June 5, 1987 with no further extension available, and both permits shall be rendered null and void if not utilized by June 5, 1987;

16. This extension of time shall be signed and notarized by the applicant and returned to Zoning Administration to be recorded with the County Recorder, within thirty (30) days of receipt of this resolution; and


WHEREAS, on February 10, 1987, the City Council considered the appeals of Carey Enterprises by Edwin F. Carey III, applicant, and Alex Szekely from the decision of the Board of Zoning Appeals; and

WHEREAS, in arriving at its decision, the City Council reviewed the appellant's testimony and the decision of the Board of Zoning Appeals and heard public testimony on this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of Carey Enterprises by Edwin F. Carey III, applicant, and Deborah Szekely are hereby denied.

BE IT FURTHER RESOLVED, that the decision of the City Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By 
Allisyn L. Thomas
Deputy City Attorney

ALT:ta
02/23/87
Or.Dept:Clerk
R-87-1706
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FEB 10 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Allen Board*, Deputy.

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Resolution Number R-267669 Adopted FEB 10 1987

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