(R-88-2168)

RESOLUTION NUMBER R-270732

ADOPTED ON APRIL 12, 1988

WHEREAS, James Schraefel, by Emmanuel Savitch of Procopio, Cory, Hargreaves & Savitch, appealed the decision of the Planning Commission in denying Planned Infill Residential Development Permit No. 87-0325 submitted by James Schraefel, Owner, for a development plan for 5 detached, single-family residential dwelling units on a 7 lot subdivision further described as Lot 35, Mission Cliff Gardens, Map 2268 and a portion of Pueblo Lot 1111, Miscellaneous Map 36, located on the northerly side of Mission Cliffs Drive, north of Adams Avenue, in the Uptown Community Plan area, in the R1-5000, R1-40000 and Hillside Review and Resource Protection Overlay Zones; and

WHEREAS, the matter was set for public hearing on April 12, 1988, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Planned Infill Residential Development Permit No. 87-0325:

1. The proposed use will not fulfill an individual and/or community need and will adversely affect the General Plan, the Community Plan or the existing neighborhood. This project was submitted under the planned infill residential development permit

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ordinance which was specifically adopted by the City Council as an alternate method of development for use within the urbanized communities covering the R-1 (single-family) zones. The ordinance requires that compatibility with the surrounding neighborhoods be attained through controls over density, the site development plan, architecture and dominant landscape materials.

The Uptown Community Plan designates this split-zoned project for low density residential (5 to 10 dwelling units/acre) and open space (1 dwelling unit/acre). The project site contains 5.07 acres in the R1-40000 Zone and .6653 acres within the R1-5000 Zone.

It is determined that this project will not fulfill a need of the existing neighborhood as the design of the project is not compatible with the overall pattern of the existing neighborhood.

2. The proposed use will be detrimental to the health, safety and general welfare of persons residing or working in the area and will adversely affect other property in the vicinity. The project clusters the maximum density within the R1-5000 zoned area thereby preserving the 5.07 acres in the R1-40000 Zone as open space in compliance with the community plan. However, the clustering of 5 dwelling units on the smaller R1-5000 zoned lot created by the same subdivision map as the adjoining neighborhood, results in a congested appearance. The 20 foot wide driveway serving the proposed dwellings is detrimental to a neighborhood where existing conditions contribute to traffic and parking problems.

3. The proposed use will not comply with the relevant regulations in the San Diego Municipal Code. This development is accompanied by a tentative subdivision map and is within the Hillside Review Overlay Zone. The planned infill residential development encompasses the review of the hillside review findings. The proposed project does not comply with Section 101.0930 of the San Diego Municipal Code (planned infill residential development permits) of The City of San Diego. With respect to the Resource Protection Overlay Zone, additional findings of fact for denial are required as follows:

A. The proposed development will not be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. The development site consists of 85.7% of the area within a sensitive slope classification which allows a 14% maximum encroachment allowance. The "Cliff Court" project encroaches into 2.1% of the sensitive slopes. All of the area within the R1-40000 Zone remains undisturbed and this area would be preserved as open space through easements. However, the dwelling unit locations dictate that natural vegetation must be cleared to comply with the Brush Management Control Policy and this would not be sensitive.

B. The proposed development will not be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in

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adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources. The development site is not adjacent to any City parks but does include the south slopes of Mission Valley which is a scenic resource of the community and city. The development is clustered atop the hillside and incorporates land development techniques adopted from The City of San Diego's Hillside Review Overlay Guidelines but the development of this project would disturb native vegetation and possibly have adverse impacts on erosion.

C. The proposed development will not minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. Only .126 acres (2.1%) of the sensitive slope areas are being disturbed. The ordinance would permit 14% of the site to be disturbed. Retaining walls are used to minimize disturbance of the hillsides and only 460 cubic yards of cut and 290 cubic yards of fill are proposed for the development of this project site. However, as stated before, the removal of vegetation under the Brush Management Control Program will be detrimental and not minimal.

D. The proposed development will not be visually compatible with the character of surrounding areas, but where feasible would restore and enhance visual quality in visually degraded areas.

The project, utilizing the planned infill residential development ordinance and the resource protection overlay zone ordinance, does not assume developement of this site in a compatible manner with the existing neighborhood.

E. The proposed development will not conform with The City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs.

The above 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 James Schraefel, by Emmanuel Savitch of Procopio, Cory, Hargreaves & Savitch, is denied; the decision of the Planning Commission is sustained, and Planned Infill Residential Development Permit No. 87-0325 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

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

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Passed and adopted by the Council of The City of San Diego on APR 12 1988, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☑	☐	☐	☐
Ron Roberts	☑	☐	☐	☐
Gloria McColl	☑	☐	☐	☐
H. Wes Pratt	☑	☐	☐	☐
Ed Struiksma	☑	☐	☐	☐
J. Bruce Henderson	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
Bob Filner	☑	☐	☐	☐
Mayor Maureen O'Connor	☑	☐	☐	☐

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 Ellen Bonard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-270732 Adopted APR 12 1988

CC-1276 (Rev. 12-87)