

(R-89-1655)

RESOLUTION NUMBER R-272748

ADOPTED ON JANUARY 24, 1989

WHEREAS, James Guthrie, appealed the decision of the Planning Commission in denying Hillside Review/Resource Protection Overlay Zone Permit No. HRP-88-0400 and RPOZ-88-0400, submitted by James Guthrie, Owner/Permittee, to construct a two-story, single-family residence consisting of 2,876 square feet of gross floor area, located at 3626 Robinson Mews, on the west side of Robinson Mews between Brooks Avenue and Pennsylvania Avenue, the subject property is more specifically described at Lots 9 and 10 of Block 11, Cleveland Heights, Map No. 621, within the Uptown Community Plan area, in the R1-40000 Zone; and

WHEREAS, the matter was set for public hearing on January 24, 1989, 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 Council adopts the following findings with respect to Hillside Review/Resource Protection Overlay Zone Permit No. HRP-88-0400 and RPOZ-88-0400:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Uptown Community Plan.

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CITY CLERK'S OFFICE
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SAN DIEGO, CALIF.

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2. The proposed use, because of the 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.

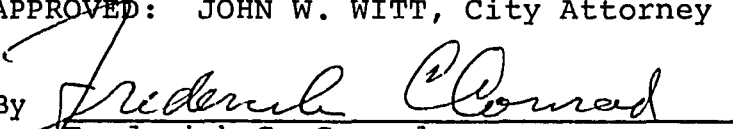
3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to Hillside Review/Resource Protection Overlay Zone regulations set forth in Municipal Code Sections 101.0454 and 101.0462 and meets the criteria and guidelines of the adopted Uptown Community Plan.

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 Guthrie, is granted; the decision of the Planning Commission is overruled, and Hillside Review/Resource Protection Overlay Zone Permit No. HRP-88-0400 and RPOZ-88-0400 is hereby granted to James Guthrie, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
02/24/89
Or.Dept:Clerk
R-88-1655
Form=r.permit

HILLSIDE REVIEW PERMIT NO. 88-0400
CITY COUNCIL

This Hillside Review Permit is granted by the City Council of the City of San Diego to James Guthrie, Owner/Permittee, pursuant to conditions in Section 101.0454 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee for construction of a 2,876-square-foot single-family residence, located on the west side of Robinson Mews between Brookes Avenue and Pennsylvania Avenue in the Uptown Community Plan, described as Lots 9 and 10 of Block 11, Cleveland Heights Map No. 621, in the R1-40000 Zone.

2. The Hillside Review Permit shall allow the following:

- a. A two-story single-family residence consisting of 2,876 square feet of gross floor area;
- b. Slopes shall not exceed 2:1 in grade; and
- c. A twelve-foot setback shall be maintained off Robinson Mews.

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

- a. The Permittee signs and returns the permit to the Planning Department.
- b. The Hillside Review Permit is recorded in the office of the County Recorder.

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 August 11, 1988, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or 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. The plans shall be in substantial conformity to Exhibit "A," dated August 11, 1988, 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 and is to be maintained in a disease, weed and litter free condition at all times.

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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 permit must be utilized within 36 months of the date of approval, failure to utilize this permit within 36 months will automatically void the permit unless extended under the provisions of section 101.454.H of the Municipal Code. Any such extension must meet all regulations, policies and Municipal Code provisions in effect at the said time extension is considered.

8. 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.

9. This Hillside Review Permit is a covenant running with subject property 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.

10. Prior to the recordation of a final map, a phasing plan shall be submitted to the satisfaction of the Planning Director which ties development to: a) the allocation schedule of the 11 Community Plan, as set forth in Schedule A of the Interim Development Ordinance, adopted by the City Council on July 21, 1987, and any successor ordinance, plan or policy imposing the same or similar requirements; and b) the construction and actual installation of all public facilities specified in the Capital Improvement Program portion of the applicable community plan that would be required for this project approval.

11. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map, including the Interim Development Ordinance adopted by the City Council on July 21, 1987; and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.

12. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

13. In the event that any condition of this permit, on a legal challenge by the "Owner/Permittee" of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and adopted by the City Council of the City of San Diego on January 24, 1989.

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JAN 24 1989

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Paul G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-272748* Adopted **JAN 24 1989**

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