

RESOLUTION NUMBER R-273320

ADOPTED ON APRIL 25, 1989

WHEREAS, Jeanne Miscikowski appealed the decision of the Planning Commission of The City of San Diego in approving Hillside Review/Resource Protection Overlay Zone Permit No. 88-0201 and accompanying Tentative Map No. 88-0201 submitted by J. Fred Oliver/Arizona Apartment Associates for the Bay Ridge Scene project to construct 14 single-family, one and two-story homes on a 23.0-acre site which is to be divided into 15 lots by a subdivision map, said site is located at the west end of Chippewa Court and Boone Street, north of Balboa Avenue, west of Clairemont Drive, east of Moraga Avenue and south of Ecochee Avenue, and is more particularly described as a portion of Pueblo Lot 1224 of the Pueblo Lands of San Diego, according to map thereof by James Pasco and known as MM 36, together with a portion of Lot 2 of the Pueblo Lands Partition of Lot 1209, in the Clairemont Mesa Community Plan area, in the R1-5,000 and R1-15,000 (HRO) zones; and

WHEREAS, the matter was set for public hearing on April 25, 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

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SAN DIEGO, CALIF.

Hillside Review/Resource Protection Overlay Zone Permit No.
88-0201:

1. The proposed development will be sited, designed and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. The amount of disturbance of sensitive slopes is less than three percent of the total project area, within the requirements of Resource Protection Overlay Zone (RPOZ).

2. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources. The project uses the flattest and most unsensitive area of the site for development.

3. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The project has been designed to keep the amount of grading to a minimum.

4. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The proposed 14 single-family homes are designed to be sensitive to the existing topography and to enhance the visual quality of the area.

5. The proposed development will 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. This project conforms to all plans by proposing residential and open space land use.

6. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas. The amount of encroachment into sensitive slopes is less than three percent of the project area.

7. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazard which affect health, safety and general welfare as determined by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation. The project proposes limited grading of the site and the landscape plans propose the use of brush management standards.

8. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The 14 single-family homes will be of comparable architectural quality.

9. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the Clairemont Mesa Community Plan, any other adopted applicable plan, and the zone. An open space dedication

is taken on portions of the development site, as appropriate, after consultation with the Park and Recreation Department. The design of the project preserves 18 acres of open space land to be left natural and dedicated to the City for open space.

10. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines." The project is designed to be sensitive to the existing topography.

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 decision of the Planning Commission is sustained; and that Hillside Review/Resource Protection Overlay Zone Permit No. 88-0201 is hereby granted to Nathan Rakov, Robert Booth, Malyon Booth, Gary A. Persichino, Michele G. Persichino, Bill J. Longwell, Kathleen Longwell, and Asset Builders, Inc., a California corporation, Owners/ Permittees, under the terms and conditions set forth in Hillside Review/Resource Protection Overlay Zone Permit No. 88-0201, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Tentative Map No. 88-0201:

1. The map proposes to subdivide a 23-acre site into 15 lots for residential development. This type of development is consistent with the General Plan and the Clairemont Mesa Community Plan which designate the area for low density

residential development (5-10 dwelling units per net residential acre and 0-5 dwelling units per net residential acre) and open space use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the R1-5,000 and R1-15,000 zones, except as outlined in paragraphs "a" and "b" below, in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, except for Lot 15 that would have no frontage where the R1-15,000 zone requires 25 feet. A variance is being granted because the lot will be preserved for open space purposes and the map is configured so that frontage on a street is not practical. An easement will be provided to ensure access to the lot for maintenance purposes. Also, variances are being granted to allow 15-foot front yard setbacks for Lots 3 through 6 where the R1-15,000 zone requires 25 feet. These are being granted to minimize the grading at the rear of these lots.

b. All lots meet the minimum dimension requirements of the R1-5,000 and R1-15,000 zones.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations.

d. Development of the site is controlled by Resource

Protection Overlay Zone Permit No. 88-0201.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and/or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan which provides for low density residential development and open space.

6. The design of the subdivision and the proposed improvements could cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, the project as revised now avoids the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No. 88-0201, which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any

easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.


9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

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 Jeanne Miscikowski is hereby denied; the decision of the Planning Commission is sustained; and that Tentative Map No. 88-0201 is hereby granted, subject to City Council Conditions for Tentative Map 88-0201, attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

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04/27/90 COR.COPY
08/22/90 COR.COPY
HR/RPOZ/TM 88-0201
Or.Dept:Clerk
R-89-2343
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HILLSIDE REVIEW/RESOURCE PROTECTION OVERLAY ZONE
PERMIT NO. 88-0201

CITY COUNCIL

This Hillside Review/Resource Protection Overlay Zone Permit is granted by the Council of The City of San Diego to Nathan Rakov, Robert Booth, Malyon Booth, Gary A. Persichino, Michele G. Persichino, Bill J. Longwell, Kathleen Longwell, and Asset Builders, Inc., a California corporation, Owners/Permittees, pursuant to the conditions in Section 101.0454 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct 14 single-family one- and two-story homes, on a 23.0-acre site which is to be divided into 15 lots by a subdivision map, located at the end of Chippewa Court and Boone Street, north of Balboa Avenue, west of Clairemont Drive, east of Moraga Avenue and south of Ecochee Avenue, in the Clairemont Mesa Community Plan Area, described as a Portion of Pueblo Lot 1224 and a Portion of Lot 2, Pueblo Lands partition of Lot 1209, in the R1-5000 and R1-15000 zones.
2. The Hillside Review/Resource Protection Overlay Zone Permit shall allow the following:
 - a. Fourteen single-family, one- and two-story homes;
 - b. Slopes shall not exceed two-to-one in grade; and
 - c. A front yard setback variance from 25 feet to 15 feet for Lots 3 through 6.
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 April 25, 1989, 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 April 25, 1989, on file in the office of the Planning Department. Approved planting shall be installed within 90 days of the completion of grading. 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.
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 used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0454.H. of the Municipal Code. Any extension of time shall be subject to all regulations, policies and Municipal Code provisions in effect at the time the extension is considered.
8. This Hillside Review/Resource Protection Overlay Zone 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 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.
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 Clairemont Mesa 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 landscaping 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. Manufactured slopes adjacent to natural areas of Lots 8 through 14 shall be contour-graded and undulated to blend with the existing topography.
14. 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 Council of The City of San Diego on April 25, 1989.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official

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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 Permittees, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittees hereunder.

NATHAN RAKOV
Permittee

ROBERT BOOTH
Permittee

MALYON BOOTH
Permittee

GARY A. PERSICHINO
Permittee

MICHELE G. PERSICHINO
Permittee

BILL J. LONGWELL
Permittee

KATHLEEN LONGWELL
Permittee

ASSET BUILDERS, INC., a California corporation
Permittee

By _____

(Print Name)

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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CITY COUNCIL CONDITIONS
FOR TENTATIVE MAP 88-0201

1. This tentative map will expire on April 25, 1992.
2. The "General Conditions for Tentative Subdivision Maps" filed in the office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769635.

3. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.
4. The subdivider must provide a geological report on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
5. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
6. Boone Street and Chippewa Avenue shall be fully improved as local streets, as shown on the approved tentative map, in a manner satisfactory to the City Engineer.
7. Water Requirements:
 - a. Install an eight-inch water main from existing eight-inch main in Boone Street to end of cul-de-sac and from Boone Street and Chippewa Avenue to the existing eight-inch main in Chippewa Avenue.
 - b. Install house pressure regulators where required.
 - c. Install fire hydrants at locations satisfactory to the Fire Department and to the City Engineer.

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8. Sewer Requirements:

- a. Provide a sewer study for on-site gravity sewer mains, satisfactory to the Water Utilities Director.
 - b. Provide calculations showing that these on-site mains will provide adequate capacity and cleansing velocity.
 - c. Install all facilities recommended in the approved study.
 - d. Provide legal and practical access to all existing and new manholes.
 - e. Provide additional easement width to existing sewer easement for a total of twenty feet.
 - f. No structures shall be built over or in easements.
9. The subdivider shall grant building restrictive easements, as shown on the approved tentative map.
 10. The final map shall indicate front yard setbacks of 15 feet for Lots 3 through 6, as outlined under Finding 2a above.
 11. The subdivider shall deed to the City in fee title Lot 15 for open space purposes with a 15-foot-wide access easement from Chippewa to the ridge line and expanding to a 30-foot width for switchbacks descending into the canyon for maintenance purposes, as shown on the approved tentative map dated April 25, 1989, and in a manner satisfactory to the Park and Recreation Department.
 12. All rights-of-way required to be dedicated with this map must be free and clear of all encumbrances and prior easements. The subdivider must secure from an easement grantee a subordination agreement for distribution facilities located within the dedication or, in the case of major transmission facilities, a joint-use agreement.
 13. The final map shall conform to the provisions of Resource Protection Overlay Zone Permit No. 88-0201.
 14. 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 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 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.

15. This map shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this map.
16. This subdivision is subject to payment of School Impact Fees at the time of issuance of building permits as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887) in accordance with procedures established by the Director of Building Inspection.
17. This community may be subject to impact fees as established by the City Council at the time of issuance of building permits.

CORRECTED COPY

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APR 25 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 type="checkbox"/>	<input checked="" 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.

Jena Martin
By....., Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *273320* Adopted *APR 25 1989*