

(R-89-2364)

RESOLUTION NUMBER R-273441

ADOPTED ON MAY 9, 1989

WHEREAS, Ewart W. and Sherrilyn Ann Goodwin, Hubert B. and Margaret Price, David M. and Nancy L. Nenow, Loren R. and Kirsten E. Rindal, Dr. Mark and Judith Green and 31 other petitioners appealed the decision of the Planning Commission in upholding the Planning Director's decision approving Hillside Review Permit/Resource Protection Overlay Zone Permit No. HRP/RPZ 88-1016 submitted by Mark and Anne Fehlman, Owner/Permittee, for construction of a two-story, 3,791 square-foot single family home on a vacant lot described as Lot 33, Avalon Heights, Map No. 1600, located at 4370 Arcadia Drive, north of Avalon Drive, east of Jackdaw Street, south of I-8 and west of Hawk Street, in the Uptown Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on May 9, 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 Permit/Resource Protection Overlay Zone Permit No. HRP/RPZ 88-1016:

1. The site is physically suitable for the design and siting of the proposed two-story, single-family home and will result in

the minimum disturbance of sensitive areas. The amount of disturbance of sensitive and nonsensitive slopes is limited to the area of the foundation footings only.

2. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and reflects the architectural characteristics of development on adjacent and surrounding properties. The proposed home has been designed to be sensitive to the existing topography and is of comparable architectural quality.

3. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines" and is in conformance with the Open Space Element of the General Plan and all relevant regulations in the Municipal Code. The design of the project preserves the steepest and most sensitive area of the site to be left in a natural state.

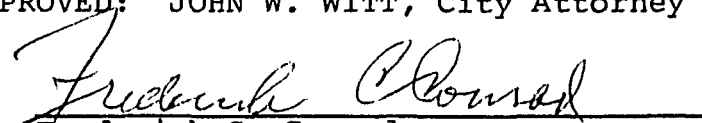
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeals of Ewart W. and Sherrilyn Ann Goodwin, Hubert B. and Margaret Price, David M. and Nancy L. Nenow, Loren R. and Kirsten E. Rindal, Dr. Mark and Judith Green and 31 other petitioners are denied; the decision of the Planning Commission is sustained and Hillside Review Permit/Resource Protection Overlay Zone Permit No. HRP/RPZ 88-1016 is hereby granted, as modified by the Council, to Mark

and Anne Fehlman, 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
06/06/89
Or.Dept:Clerk
R-89-2364
Form=r.permit

HILLSIDE REVIEW/RESOURCE PROTECTION
OVERLAY ZONE PERMIT NO. 88-1016

CITY COUNCIL

This Hillside Review/Resource Protection Overlay Zone Permit is granted by the Council of The City of San Diego to MARK AND ANNE FEHLMAN, partnership, 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 to construct a two-story, 3,791-square-foot single-family home on a vacant lot of 0.2 acre, located on Arcadia Drive, north of Avalon Drive, east of Jackdaw Street, south of Interstate 8, and west of Hawk Street in the Uptown community planning area, described as Lot 33, Avalon Heights Map No. 1600, in the R-1-5000 Zone.
2. The Hillside Review/Resource Protection Overlay Zone Permit shall allow the following:
 - a. One two-story single-family home totaling 3,791 square feet;
 - b. Slopes shall not exceed 2:1 in grade.
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/Resource Protection Overlay Zone 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 May 9, 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 May 9, 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 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 101.0454H 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/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/Resource Protection Overlay Zone Permit is a covenant running with the 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. This project shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this project, 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.
11. 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.
12. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of curb and sidewalk adjacent to this site on Arcadia Street.
13. Prior to the issuance of any building permits, the applicant shall grant a 15-foot-wide sewer easement for the existing sewer main, in a manner satisfactory to the Water Utilities Director.
14. The landscape plans shall include brush management standards to the satisfaction of the Planning Director prior to building permit issuance.

15. 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.
16. The windows on the east wall of the bedrooms shall be eliminated.
17. A back-up area shall be included along with two additional parking spaces to the satisfaction of the Planning Director.

Passed and adopted by the Council of The City of San Diego on May 9, 1989.

FCC:lc
06/06/89
r-89-2364-p

MAY 9 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R 273441** Adopted **MAY 9 1989**