

RESOLUTION NUMBER R- 285126

ADOPTED ON DEC 12 1994

WHEREAS, JAMES MILCH, Attorney, for MANUEL A. SILVA and MARY SILVA, Owner/Permittee, appealed the decision of the Board of Zoning Appeals in partially approving a request to maintain retaining walls/open fences, currently in violation, on Lots 1, 2 and 3, Roseville, Map 305, located at 1311 Plum Street, in the R1-5000 Zone, within the Peninsula Community Plan area; and

WHEREAS, the Board of Zoning Appeals partially approved Permit No. C-21018, to maintain, currently in violation, the following:

(1) a maximum 14'-0" high combination retaining wall/open fence within the 15'-0" front yard where a maximum combined height of 9'-0" is permitted, provided that no single plane exceeds 6'-0" in height and horizontal separations are provided in compliance with design criteria;

(2) portions of said retaining wall/open fence within the driveway visibility area where 3'-0" is the maximum height permitted;

(3) a maximum 15'-2" high combination retaining wall/open fence within the interior side yard where a maximum combined height of 12'-0" is permitted, provided that no single plane exceeds 6'-0" in height and that horizontal separations are provided in compliance with design criteria;

(4) a maximum 9'-10" high combination retaining wall/open fence within the 4'-0" rear yard where a maximum combined height of 12'-0" is permitted provided that no single plane exceeds 6'-0" in height and that the horizontal separations are provided in compliance with design criteria;

(5) a maximum 7'-2" high wrought iron gate within the 15'-0" front yard where a maximum 6'-0" high gate is permitted provided that the bottom 3'-0" is solid and the top 3'-0" is 50% open in compliance with design criteria;

(6) a maximum 6'-9" column with a 2'-3" light fixture on top located within the required front yard where a maximum 3'-0" height is permitted;

(7) said column also located within the driveway visibility area where a maximum 3'-0" height is permitted;

(8) a maximum 9'-0" high column located within the required front yard where a maximum height of 3'-0" is permitted;

(9) portion of said column located within the driveway visibility area;

(10) maximum 4'-0" high combination open fence/solid wall located within the driveway visibility area where a maximum 3'-0" height is permitted; and

(11) a maximum 10'-4" high combination retaining wall and solid/open fence located within the required front yard where a maximum 9'-0" height is permitted provided that no single plane exceeds 6'-0" in height and the fence/wall meets the design criteria for fences; and

WHEREAS, the Board of Zoning Appeals had approved requests 1, 3, 4, 5, 6, 7, 8, 9 and 11, and denied requests 2 and 10; and

WHEREAS, the matter was set for public hearing on June 15, 1993, and continued to September 28, 1993, and November 9, 1993; and

WHEREAS, on December 12, 1994, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, in arriving at its decision, the City Council found that due to the topographic conditions on the site coupled with the design and grade of Dickens Street adjacent to this property, and other private improvements on adjacent sites, that justification existed to approve retaining walls and open fences in two driveway visibility areas; and

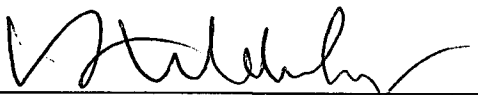
WHEREAS, the Council concurred with the Board of Zoning Appeals in its approval of the nine associated variance requests; and,

WHEREAS, the above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the appeal of MANUEL A. SILVA and MARY SILVA is granted; the decision of the Board of Zoning Appeals with regard to requests 1, 3, 4, 5, 6, 7, 8, 9 and 11 is approved; the decision of the Board of Zoning Appeals with regard to requests 2 and 10 is

overruled; and, requests 2 and 10 of Permit No. C-21018 are hereby granted to MANUAL A. SILVA and MARY SILVA, under the terms and conditions set forth in Permit No. C-21018 on file in the office of the City Clerk as Document No. RR- 285126, and with a specific condition that building permits be obtained for the walls on the subject property.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
02/28/95
Or.Dept:Clerk
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