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RECOMMENDATIONS

RECEIVED
CITY CLERK'S OFFICE

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COMMUNITY PLANNING GROUP/CITY MANAGER/PLANNING COMMISSION

07 APR 26 AM 11:32

CASE NO. 15355

SAN DIEGO, CALIF.

CITY MANAGER

1. Resolution APPROVING Hillside Review Permit/Resource Protection Ordinance Permit No. 32731 (Amending HRP/RPOZ Permit No. 88-0742), Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. Resolution DENYING Public Right-of-Way Vacation No. 209656.

PLANNING COMMISSION

YEAS: 4 (Steele, Garcia, Schultz, Otsuji)
 NAYS: 2 (Chase, Ontai)
 ABSTAINING: 0

TO:

1. RECOMMEND APPROVAL of Hillside Review Permit/Resource Protection Ordinance Permit No. 32731 (Amending HRP/RPOZ Permit No. 88-0742), Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. RECOMMEND DENIAL of the Variance to increase gross floor area by enclosing an existing carport, Encroachment Maintenance and Removal Agreement No. 209658, and Public Right-of-Way Vacation No. 209656.

COMMUNITY PLANNING GROUP

LIST NAME OF GROUP:

Uptown Planners has taken a vote resulting in a mixed recommendation for the project. Please refer to the Planning Commission Report No. PC-04-182.

By: John S. Fisher
 Development Project Manager

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CITY OF SAN DIEGO
M E M O R A N D U M

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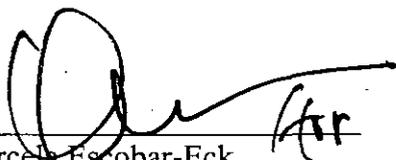
SAN DIEGO, CALIF

P

DATE: September 10, 2007
TO: Council President and City Council
FROM: Marcela Escobar-Eck, Development Services Director
SUBJECT: 3502 Jackdaw Street (Hill Residence)

On June 19, 2007, the City Council voted to continue this project in order to give Development Services Department (DSD) staff and the City Attorney's Office an opportunity to resolve an issue associated with the processing of the Hillside Review/Resource Protection Ordinance (HR/RPO) permit. This issue has been resolved, and both DSD and the City Attorney agree that the project can move forward without the need for the HR/RPO permit. The applicant has agreed with this approach, and officially withdrew the request for the HR/RPO permit.

Therefore, City staff recommends that the City Council approve Variance No. 209653 and Encroachment Removal and Maintenance Agreement No. 209658. These approvals will allow for the entitlements requested by the applicant, which include: 1) Allowance for the enclosed floor area under the first floor to be finished as habitable floor area; 2) Conversion of the existing carport into a fully enclosed garage; 3) Retention of the existing height of the structure at 38 feet; 4) Encroachment of the existing landscaping, low retaining walls, and stairs into the public right-of-way.



Marcela Escobar-Eck
Development Services Director

000221

June 27, 2007

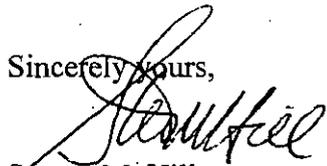
Mr. John Fisher
Development Services Department
City of San Diego

Re: Hill Residence
3502 Jackdaw St.

Dear Mr. Fisher,

Please withdraw our requested amendment to the existing Hillside Review Permit and Resource Overlay Protection Zone permit, but continue the processing of the request for the variance on height, square footage, and expanded encroachment and/or partial street vacation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Hill", written over the typed name "Steven M. Hill".

Steven M. Hill

000223



RECEIVED
CITY CLERK'S OFFICE
07 APR 26 AM 11:33
SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: April 15, 2005 REPORT NO. PC-04-182

ATTENTION: Planning Commission, Agenda of April 21, 2005

SUBJECT: HILL RESIDENCE - PROJECT NO. 15355, HILLSIDE REVIEW AND RESOURCE PROTECTION OVERLAY ZONE PERMIT NO. 32731, VARIANCE NO. 209653, AND ENCROACHMENT REMOVAL AGREEMENT NO. 209658, PROCESS 5 - OLD CODE.

REFERENCE: Hillside Review and Resource Protection Overlay Zone Permit No. 88-0742 and Resolution No. 8046 (Attachment 11).

OWNER/
APPLICANT: Steven M. Hill and Sandi M. Hill

SUMMARY

Issue(s): Should the Planning Commission RECOMMEND to the City Council APPROVAL of an application for:

1. Hillside Review and Resource Protection Overlay Zone Permit No. 32731, and Variance No. 209653, Amending Hillside Review and Resource Protection Overlay Zone Permit No. 88-0742, to maintain the existing height and floor area of an existing, two-story, single-family residence;
2. Street/Public Right-of-Way Vacation No. 209656, to vacate the unimproved northerly one-half of the Walnut Avenue Public Right-of-Way adjacent to the southerly boundary of the property; and
3. Encroachment Maintenance and Removal Agreement No. 209658, to allow the expansion of an existing Encroachment Maintenance and Removal Agreement within the Walnut Avenue Public Right-of-Way, within the Uptown Community Plan Area?

Staff Recommendation:

1. RECOMMEND APPROVAL of Hillside Review and Resource Protection Overlay Zone Permit No. 32731, Amending HRP/RPOZ Permit No. 88-0742; Variance No. 209653; and Encroachment Maintenance and Removal Agreement No. 209658; and
2. RECOMMEND DENIAL of Street/Public Right-of-Way Vacation No. 209656.

Community Planning Group Recommendation: - Attachment 16

On April 6, 1999, after two continuances on February 3, 1999 and March 10, 1999, a motion was made to recommend approval of the application with the following conditions - 1. A partial street vacation (of Walnut Avenue) only; 2. No construction permitted outside of the existing footprint (of the existing residence); and 3. Maintain the public view corridor along Walnut Street. The recommendation included a notation indicating that the majority of the quorum did not approve the motion and indicated a vote of 5-2-4. Since a majority of the quorum did not approve the motion, this resulted in "no action" being taken by the Uptown Planers. Notes in the project file indicate that the group did not support the Street Vacation, either partial or full.

On October 3, 2000, the CPG voted 5-3-1 to recommend denial of the Street Vacation.

On May 1, 2001, the Uptown Community Planning Group voted 11-0-1 to recommend approval of the extension of an existing 15-foot wide Encroachment Maintenance and Removal Agreement (ERA) to include existing improvements for wood stairs, terraces and trees, including continued maintenance, for areas south of the property at 3502 Jackdaw Street with no further improvements or access restrictions.

Environmental Review: An Exemption has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. This Exemption was granted pursuant to Article 19 of Guidelines for Categorical Exemptions, Section 15301 (1), Existing Facilities.

Fiscal Impact: All staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the Applicant.

Code Enforcement Impact: On March 17, 1998, a Notice of Violation was issued to the property owner (Attachment 20), indicating non-compliance with conditions of the approved HRP/RPOZ Permit NO. 88-0742. On January 11, 1999, the Applicant submitted the current application to amend the approved Permit in an effort to legalize the violations.

Housing Impact Statement: The site is designated for Low Density Residential at 5-10 dwelling units per acre (dus/ac). The site is developed with one, single-family residence pursuant to a prior discretionary approval and implements the Uptown Community Plan's land use designation.

BACKGROUND

This project is subject to the rules and regulations contained in the City of San Diego Municipal Code in effect on December 31, 1999 (Old Code), Attachment 19.

Property History

The subject property is comprised of a 2,483 sq. ft. legal lot (approximately 25-feet wide by 100-feet deep) and was included with a larger subdivision of a Portion of Pueblo Lot 1122, in 1883. The site slopes downward approximately 29-feet from an elevation of 239.0 at the northeasterly corner, to an elevation of 210.0 at the southwesterly corner. The property is addressed as 3502 Jackdaw Street and located at the northwesterly corner of the intersection of Jackdaw Street and Walnut Avenue, between Kite Street to the west and Ibis Street to the east. Jackdaw Street is unimproved south of Walnut Avenue due to a canyon extending from northeast to southwest, which included the rear, westerly portion of the property. Walnut Avenue is an 80'-0" wide unimproved public right-of-way, between Jackdaw and Kite streets due to the same canyon.

The site is located within the R1-20,000/HR (Residential, Single-Family – Hillside Review Overlay) Zone of the Uptown Community Plan Area, and is designated for low-density, single-family residential land use at 5-10 dwelling units per acre (du/ac). The majority of the lot is located within the Hillside Review (HR) Overlay Zone. According to records from the County Assessors Office, although the original subdivision consisted primarily of 25-foot wide by 100-deep parcels, the majority of these individual lots have been combined with another and developed with a single residence across the common lot line, resulting in parcels 50' wide by 100' deep.

Setback Suspension and Yard Variance

On May 6, 1964, the Zoning Administrator granted a request for a Setback Suspension and Yard Variance to construct a single-family residence on the property ("Lot 13") with open parking in front observing a zero-foot (front) setback on Jackdaw Street where the average setback of the block or 15-feet was required and no parking in the setback or front yard was permitted, and observing a three-foot side yard where four-feet was required. This discretionary permit was not utilized and expired.

During this period, the owner of Lot 13, Mr. Stanfield, also owned Lots 14 and 15 located adjacent to the north. These two contiguous 25'x100' parcels were developed with one, single-family residence across the common lot line which tied the lots together as one premise.

This parcel was later sold to a third party, Mr. Herrmann. Mr. Stanfield subsequently sold undeveloped Lot 13 to the current owners, Mr. and Mrs. Hill.

Hillside Review and Resource Protection Overlay Zone Permit No. 88-0742

On June 23, 1989, the Planning Director conditionally approved Hillside Review (HRP) and Resource Protection Overlay Zone (RPOZ) Permit No. 88-0742, granted to Mr. and Mrs. Hill for development on Lot 13. This Permit approved construction of a 1,385 square-foot, multi-story, single-family residence, with an attic and carport on the 2,483 sq. ft. lot. This approval reflected a floor area ratio of 0.558, or 0.59 (rounded), where a maximum floor area ratio of 0.60 was allowed in the zone. The Permit approved construction of the residence observing a zero-foot front yard setback adjacent to Jackdaw Street, where 25-feet would have otherwise been required in the R1-20,000 Zone. A copy of this approved Permit with conditions, and the Resolution with findings is included as Attachment 5.

The approved Exhibit "A" Site Plan (Attachment 12) indicates that the multi-level, single-family residence was approved observing the following setbacks; A zero-foot front setback adjacent to Jackdaw Street, where 25-feet was required; a four-foot interior side yard setback to the north, where eight-feet was required (adjacent to Lots 14 and 15 under separate ownership); an approximate 40-foot rear setback to the east (partially within the canyon); and a one-foot reduced interior side yard setback to the south, adjacent to the unimproved public right-of-way of Walnut Avenue (where a minimum eight-foot side-yard setback was required).

The approved First/Entry Level (415 sq. ft.) plan included a carport (not included in the calculation of gross floor area), one-half bath, two entries via the carport, bedroom with closet, full bath and interior stairway to the Second Level. The Second Level (970 sq. ft.) is comprised of living room, dining room, kitchen, a bedroom with walk-in closets and $\frac{3}{4}$ bath, interior stairway access to First and Third Levels, and exterior access via a spiral stairway to an attic and deck area (Third Level - 304 sq. ft.).

Approved Elevation Plans (Attachment 12) indicate the development as a two-story structure in the east (Jackdaw St.) elevation, approximately 21-feet in height, and as a three-story structure in the north, south, and west elevations, approximately 30-feet in height. The west and north elevations depict the westerly portion of residence constructed on caissons, with unimproved area underneath. This unimproved area ("underfloor area") was depicted as being open to the air on three sides and would therefore not be included in the calculation of gross floor area.

On October 2, 1990, an Encroachment Removal Agreement (ERA) was approved which allowed a maximum 15'-0" encroachment into the unimproved public right-of-way of Walnut Avenue located to the south of the residence. The approved ERA allowed encroachments which included a concrete walkway, steps, irrigation and landscaping. The walkway and steps were intended to facilitate alternate access to the south side of the residence. A copy of the approved ERA is included as Attachment 13.

In a letter dated April 23, 1998, the Applicant indicates that subsequent to HRP/RPOZ Permit approval, during site grading activities, the project design was revised based on the results of a soils investigation which determined that a mid-portion of the site contained loose and compressible fill from end dumping, which was not previously detected due to inaccessibility of this portion of the canyon area. Due to the necessity to remove this fill material, additional excavation was required. Due to this required excavation and because Municipal Code regulations then in effect required the height measurement to be taken from pre-existing or finished grade whichever was lower in elevation, the resulting grade was lowered approximately five-feet. This lowering in grade resulted in the residence being constructed higher than was approved with the HRP/RPOZ Permit.

Substantial Conformance Review (SCR)

On April 28, 1998, the current property owners filed an application for SCR in an effort to legalize the existing improvements within the Walnut Street public right-of-way beyond what was initially approved, to acknowledge the height and increased floor area of the existing residence based on design modifications required due to the previously undiscovered fill soils located on the westerly portion of the lot. These uncompacted fill soils were removed and the area replaced with appropriate fill and compacted to support the residence.

On June 24, 1998, staff responded to the request indicating that the SCR could not be supported because the site as developed was not in conformance with the approved HRP/RPOZ Permit (exceeded the scope of substantial conformity), and therefore an amendment to the approved Permit was required. A copy of this letter is included as Attachment 10.

DISCUSSION

HRP/RPOZ Permit No. 99-0019

Project Description

In January 1999, the property owners filed the current application seeking to amend HRP/RPOZ Permit No. 88-0742. The application includes a Variance to: 1) Legalize the height of the existing residence as built, as a result of the excavation of fill material and the height measurement taken from a lower point (the fill soils having been removed and replaced with appropriate fill compacted to support the residence); and 2) Increase the allowable floor area by permitting the enclosure of the carport area for use as a two-car garage, and the improvement of the "underfloor area" located at the westerly portion of the lower level for use as habitable space. The Amendment would also acknowledge the enclosure of the former "underfloor area" and the departure from the design utilizing caissons.

As an alternative to the Variance, the application includes a Street/Public Right-of-Way Vacation of a 30-foot wide by 100-foot long portion of unimproved Walnut Avenue along the southerly portion of Lot 13. If approved, this Vacation would add 3,000 sq. ft. to the developable area of

Lot 13 (2,483 sq. ft.), resulting in a 5,483 sq. ft. premise. Based on the development regulations of the R1-20,000 Zone in effect under the "Old Code", a maximum floor area of 3,290 sq. ft. would be allowed. Granting of the street/public right-of-way vacation would eliminate the need for an approved variance.

As an alternative to the Street/Public Right-of-Way Vacation, the application includes a request for an expansion of the ERA from the 15-foot width approved in 1990 (Attachment 13), to 40-feet (an additional 25-feet), and is included as Attachment 8. This request is intended to accommodate existing improvements which include additional landscaping, fruit trees, wooden stairs and wooden retaining walls. These improvements are located outside of the area included with the approval of the ERA in 1990 (Attachment 13), and intrude farther into the undeveloped Walnut Street Public Right-of-Way. During processing of the current application, a request to reduce this expanded ERA from 40-feet to 30-feet was made (Attachment 8). This revised request represents an encroachment of an additional 15-feet into the Walnut Street Public Right-of-Way (Attachment 8).

Building Height

Submitted information indicates that topographic information initially utilized to depict existing grade was based on utility topographic maps which depict the topography as approximately five-feet higher than actual. As a result of this inaccurate information and the design changes required by the excavation of the fill soils, finished grade was ultimately lowered approximately five-feet. This resulted in utilization of retaining walls in lieu of the approved caissons to support the approved residence.

Site Section Plans from approved Exhibit "A" indicate that the existing residence observes an approximate height of 21-feet at the east elevation. Field measurements confirmed this measurement. These plans also depict an approved height of approximately 33-feet at the westerly elevation. Field measurements confirmed this measurement. Submitted plans indicate that as a result of the excavation due to the fill soils, the grade was lowered approximately five-feet, from an elevation of 225.5 to 220.33. This would result in the residence observing a height of approximately 38-feet, due to the height measurement being taken from the lower pre-existing grade.

Floor Area

Submitted plans indicate that the enclosure of the carport area, and enclosure and improvement of the "underfloor area" would add 390 sq. ft. and 292 sq. ft. respectively to the calculation of gross floor area of the residence. This would result in an increase in the floor area of the residence from 1,385 sq. ft. to 2,067 sq. ft., and would represent an increase in the gross floor area ratio from 0.56 as approved with the HRP/RPOZ Permit, to approximately 0.83.

As stated previously, the approval of the street vacation would increase the size of the premises to 5,483 sq. ft., and result in the 2,067 sq. ft. residence observing a floor area ratio of 0.376 (0.38 rounded).

Community Plan Analysis

The Uptown Community Plan (Page 158, Attachment 2) indicates that the area is located within the Maple/Reynard natural open space system. Available records indicate that the portion of the canyon located on the subject property had been previously disturbed from fill soils and dumping. An unimproved portion of the Walnut Avenue public right-of-way, within the canyon area has been approved for limited use by the property owner through an Encroachment Removal Agreement (ERA). The current application requests a limited expansion of this ERA to allow existing landscaping and low wooden retaining walls to remain. Staff can support this limited request for encroachment to maintain the existing conditions. Staff cannot support any vacation of this natural open space system for private use.

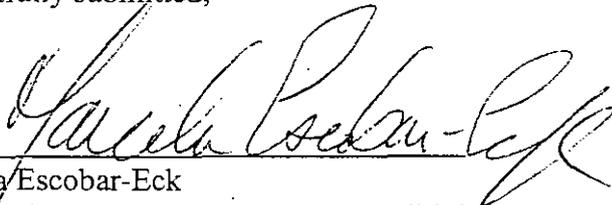
Conclusion

Based on a review of available records, plans, documentation, and field observations, staff can support the requested Amendment to HRP/RPOZ Permit No. 88-0742 to acknowledge the design change from utilization of caissons to retaining walls, and Variances to legalize the existing overheight condition due to the excavation of fill soils, and the increase in floor area ratio to accommodate enclosure of the carport area and improvement of the underfloor area as habitable space. Draft findings are included as Attachment 6.

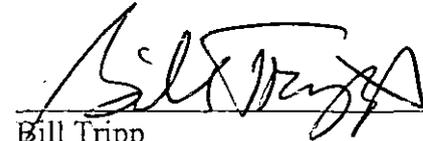
ALTERNATIVES

1. RECOMMEND APPROVAL of Hillside Review and Resource Protection Overlay Zone Permit No. 32731; Variance No. 209653; and Encroachment Agreement No. 209658, with modifications; and
2. RECOMMEND APPROVAL of Hillside Review and Resource Protection Overlay Zone Permit No. 32731; Variance No. 209653; and Street/Public Right-of-Way Vacation No. 209656; and RECOMMEND DENIAL of Encroachment Agreement No. 209658.
3. RECOMMEND DENIAL of Hillside Review and Resource Protection Overlay Zone Permit No. 32731; Variance No. 209653; and Street/Public Right-of-Way Vacation No. 209656.

Respectfully submitted,



Marcela Escobar-Eck
Deputy Director, Project Management Division
Development Services Department
HALBERT/WCT



Bill Tripp
Development Project Manager
Development Services Department

Attachments:

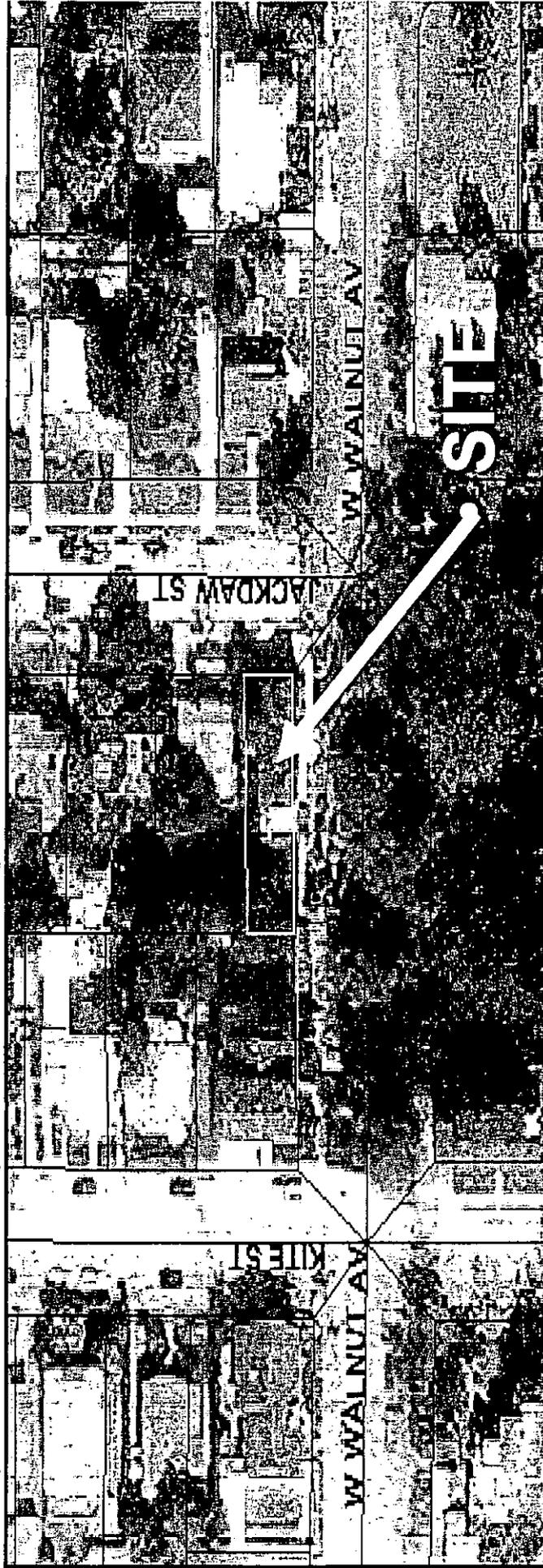
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Project Plan(s)
8. Proposed Expanded Encroachment Agreement
9. Street Vacation Request and Exhibit
10. Substantial Conformance Review/Denial
11. Approved HRP/RPOZ Permit No. 88-0742 and Resolution No. 8046
12. Approved Plans for Existing SFR per HRP/RPOZ Permit No. 88-0742
13. Approved (15-foot) Encroachment Removal Agreement, October 2, 1990
14. Compacted Fill Report
15. 1882 Subdivision Map
16. Community Planning Group Recommendation(s)
17. Ownership Disclosure Statement

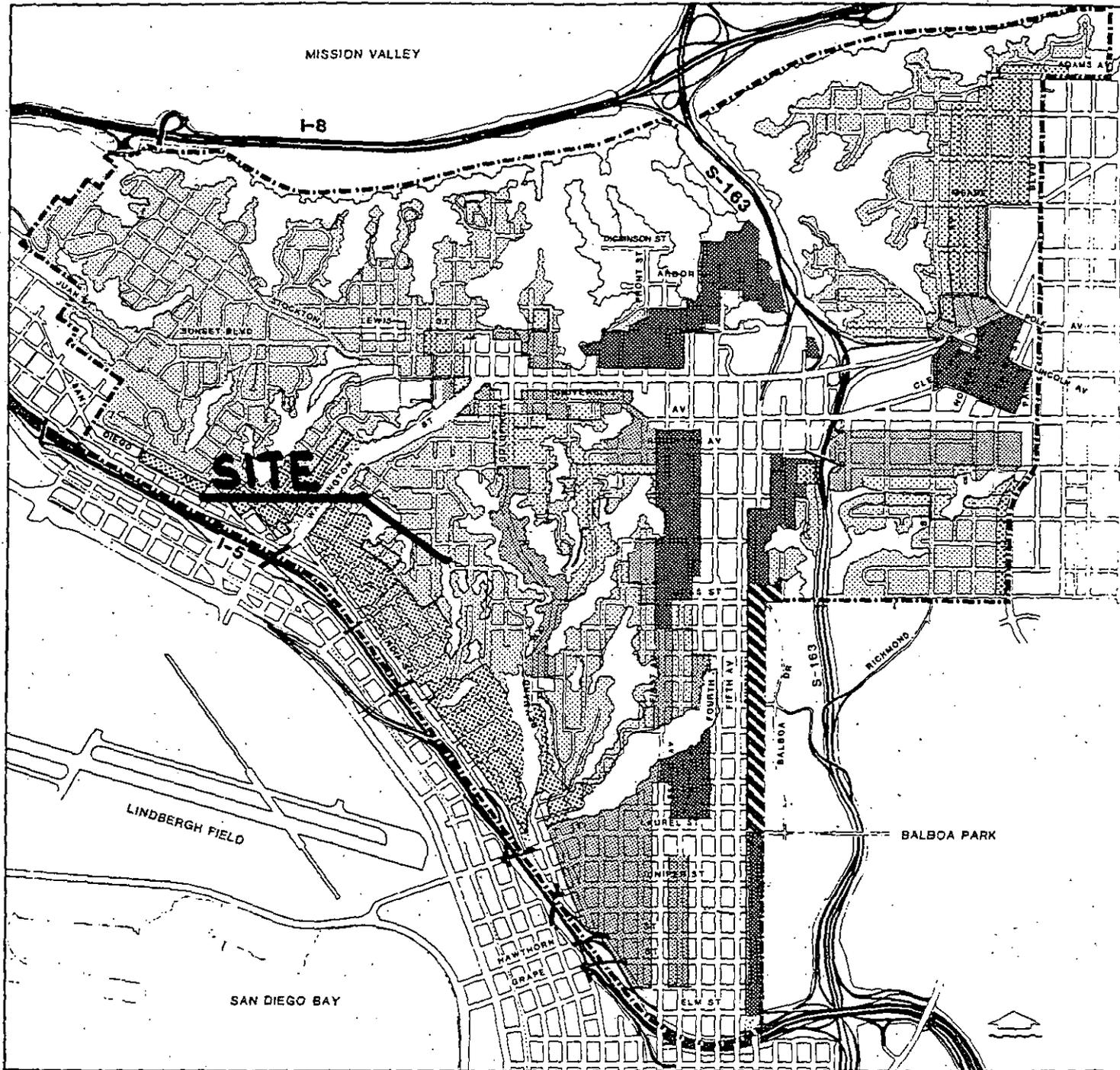
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18. Project Chronology
19. Relevant Municipal Code Sections
20. Supporting Documentation

Development Services Department
Project Management Division

Aerial Photo



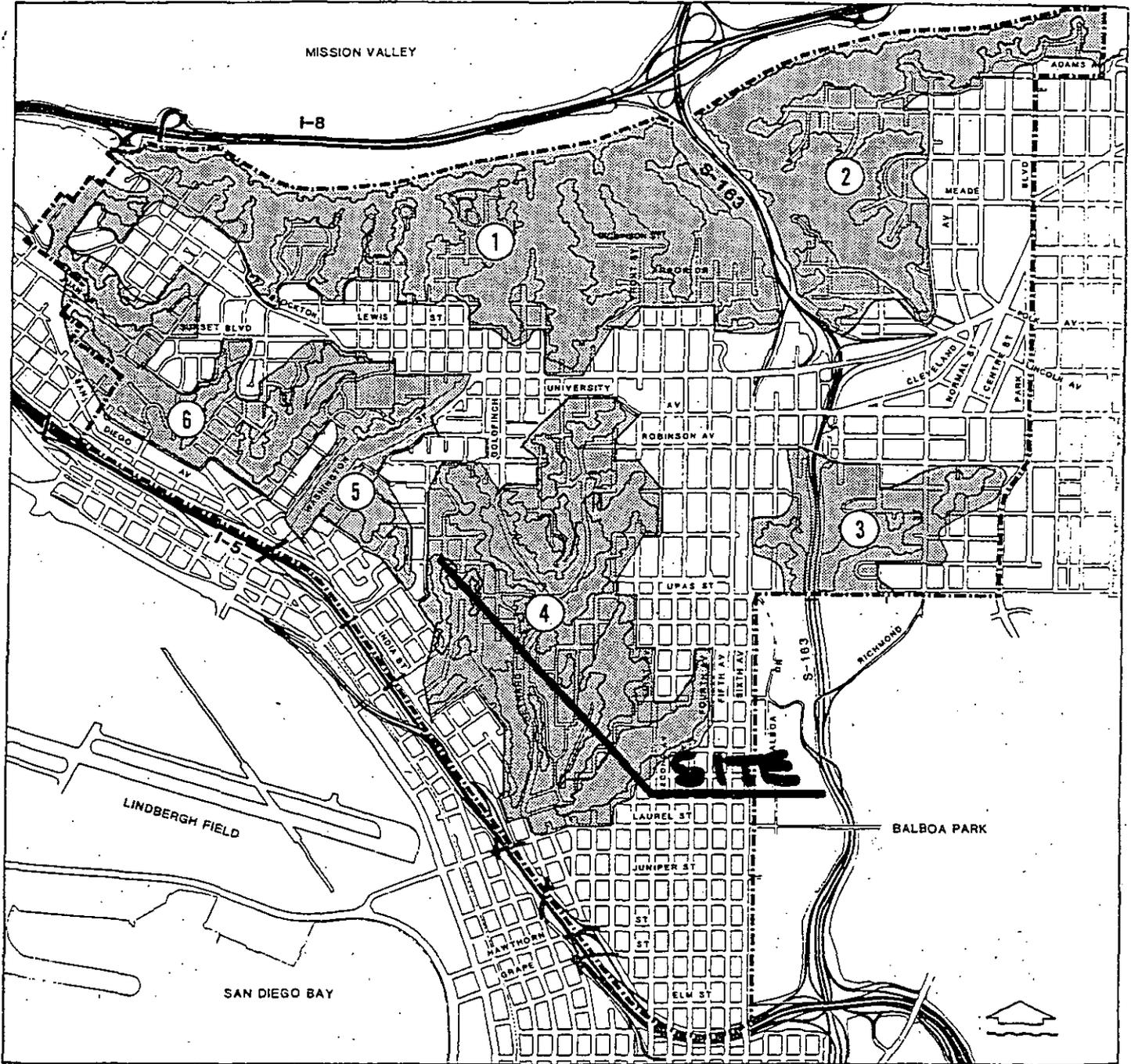


DENSITY	DU/AC	DENSITY	DU/AC
LOW	5 - 10	MED HIGH	29 - 44
LOW MED	10 - 15	HIGH	*44 - 73
MED	15 - 29	VERY HIGH	*73 - 110

* Maximum densities may only be achieved with parcel accumulation.



RESIDENTIAL LAND USE
UPTOWN Community Plan
 CITY OF SAN DIEGO PLANNING DEPARTMENT



- ① MISSION VALLEY
- ② UNIVERSITY HEIGHTS
- ③ BALBOA PARK EXT.
- ④ MAPLE/REYNARD
- ⑤ WASHINGTON STREET
- ⑥ MISSION HILLS



NATURAL OPEN SPACE SYSTEMS

UPTOWN Community Plan

CITY OF SAN DIEGO PLANNING DEPARTMENT

FIGURE

43

PROJECT DATA SHEET																
PROJECT NAME:	Hill Residence															
PROJECT DESCRIPTION:	Maintain existing height and design of a SFR; Expand floor area on lower floor and enclose carport for use as a garage; Expand EMRA for existing improvements in PROW; and Street Vacation of a portion of Walnut Avenue															
COMMUNITY PLAN AREA:	Uptown															
DISCRETIONARY ACTIONS:	Hillside Review and Resource Protection Overlay Zone (HRP/RPOZ) Permit, Amending HRP/RPOZ Permit No. 88-0742; Variance; Encroachment Maintenance and Removal Agreement; Street Vacation.															
COMMUNITY PLAN LAND USE DESIGNATION:	Single-Family Residential (Allows low-density residential development at 5-10 dwelling units per acre).															
<u>ZONING INFORMATION:</u> ZONE: R1-5000/R1-20,000/HR (A single-family residential zone that permits 1 dwelling unit per legal lot). HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 20,000 sq. ft. minimum lot size (previously conforming). FLOOR AREA RATIO: 0.60 maximum. FRONT SETBACK: 0-feet (per approved HRP/RPOZ Permit No. 88-0742). SIDE SETBACK: 1-foot (south side), 4-feet (north side) per appvd Permit. STREETSIDE SETBACK: n/a. REAR SETBACK: 39-feet per appvd Permit. PARKING: Two, off-street parking spaces required.																
ADJACENT PROPERTIES:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 40%;">LAND USE DESIGNATION & ZONE</th> <th style="width: 40%;">EXISTING LAND USE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">NORTH:</td> <td>Single-Family Residential; R1-5000/R1-20,000/HR (MCCPDO).</td> <td>Single-Family Residence</td> </tr> <tr> <td style="text-align: center;">SOUTH:</td> <td>Natural Open Space</td> <td>Unimproved Public Street (Walnut Avenue)</td> </tr> <tr> <td style="text-align: center;">EAST:</td> <td>Single-Family Residential, R1-5000.</td> <td>Single-Family Residence</td> </tr> <tr> <td style="text-align: center;">WEST:</td> <td>Single-Family Residential, R1-5000.</td> <td>Single-Family Residence</td> </tr> </tbody> </table>		LAND USE DESIGNATION & ZONE	EXISTING LAND USE	NORTH:	Single-Family Residential; R1-5000/R1-20,000/HR (MCCPDO).	Single-Family Residence	SOUTH:	Natural Open Space	Unimproved Public Street (Walnut Avenue)	EAST:	Single-Family Residential, R1-5000.	Single-Family Residence	WEST:	Single-Family Residential, R1-5000.	Single-Family Residence
	LAND USE DESIGNATION & ZONE	EXISTING LAND USE														
NORTH:	Single-Family Residential; R1-5000/R1-20,000/HR (MCCPDO).	Single-Family Residence														
SOUTH:	Natural Open Space	Unimproved Public Street (Walnut Avenue)														
EAST:	Single-Family Residential, R1-5000.	Single-Family Residence														
WEST:	Single-Family Residential, R1-5000.	Single-Family Residence														
DEVIATIONS OR VARIANCES REQUESTED:	<ol style="list-style-type: none"> 1. Variance to maintain height of existing as-built SFR; 2. Variance to increase FAR to allow improvement of underfloor area and to enclose existing carport for use as a garage. 															
COMMUNITY PLANNING GROUP RECOMMENDATION:	Recommended approval of project without the Street Vacation															

000238

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 99-0019

HILLSIDE REVIEW AND RESOURCE PROTECTION ORDINANCE PERMIT (HRP/RPOZ)
NO. 32731

VARIANCE NO. 209653

ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT NO. 209658

STREET VACATION NO. 209656

HILL RESIDENCE – PROJECT NO. 15355

AMENDMENT TO HILLSIDE REVIEW AND RESOURCE PROTECTION OVERLAY
ZONE PERMIT NO. 88-0742

PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL

This Hillside Review and Resource Protection Overlay Zone Permit No. 209653, an amendment to HRP/RPOZ Permit No. 88-0742, is granted by the City Council of the City of San Diego to STEVEN M. HILL AND SANDI M. HILL, Owner/Permittee, pursuant to San Diego Municipal Code Sections 101.0454, 101.0462, and 101.0502. This Permit shall supercede HRP/RPOZ Permit No. 88-0742, which shall become void and of no further force or effect. The 0.057-acre site is addressed as 3502 Jackdaw Street in the R1-20000 and Hillside Review Overlay Zone, of the Uptown Community Plan Area. The project site is legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to maintain an existing multi-level, single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated -----, on file in the Development Services Department.

The project or facility shall include:

- a. A maximum 2,467 sq. ft., multi-level, single-family residence - including a Variance to enclose and improve existing underfloor area to observe a maximum floor area ratio of

000239

approximately 0.83 where 0.56 was approved, and to maintain the height of the existing residence at approximately 38-feet where 33-feet was approved;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site; and
- f. Existing encroachments within the unimproved public right-of-way of Walnut Avenue adjacent to the southerly perimeter of Lot 13, as noted on the revised Encroachment Agreement. Said improvements to include landscaping, fruit trees, wooden stairs and wooden retaining walls.

STANDARD REQUIREMENTS:

1. This Permit shall supercede HRP/RPOZ Permit No. 88-0742. With the recordation of this Permit, HRP/RPOZ shall become void and of no further force or effect.
2. Construction must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This 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 in this Permit and all referenced documents.

6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

11. Prior to the recordation of this Permit, the Applicant shall obtain an encroachment removal agreement from the City Engineer for landscaping, irrigation, and planters located in the adjacent right-of-way portion of Jackdaw Street.
12. The Encroachment Agreement for the existing improvements within the unimproved public right-of-way of Walnut Avenue shall be completed and recorded with the Office of the County Recorder within 180-days of approval.

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13. The drainage system as proposed on the approved plans is subject to approval of the City Engineer.

LANDSCAPE REQUIREMENTS:

14. Approved planting shall not be modified or altered unless this permit has been amended and is to be maintained in a diseased, weed and litter free condition at all times.

PLANNING/DESIGN REQUIREMENTS:

15. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

16. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

18. A Variance is being granted to allow the existing residence as constructed to maintain its existing, as-built height of approximately 38-feet, to allow the enclosure of an existing carport for use as a garage and to allow the enclosure of underfloor area for use as habitable space, resulting in a maximum floor area ratio of approximately 0.83.

19. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

20. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

21. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

22. The residence may observe a maximum floor area ratio of 0.83 as depicted in the Revised Exhibit "A".

INFORMATION ONLY:

a. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

b. The proposed addition may require a force lateral to provide sewer service to the lower floors.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL by the Planning Commission, of the City of San Diego on April 21, 2005, by a Vote of -----, Resolution Number -----

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

[NAME OF COMPANY]
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.

Rev. 02/08/05 dcj

000245

PLANNING COMMISSION
 RESOLUTION NO. -----PC
 HILLSIDE REVIEW AND RESOURCE PROTECTION OVERLAY ZONE
 PERMIT NO. 32731 AND VARIANCE NO. 209653
 AMENDMENT TO HRP/RPOZ PERMIT NO. 88-0742
 3502 JACKDAW STREET – HILL RESIDENCE

WHEREAS, STEVEN M. HILL AND SANDI M. HILL, Owner/Permittee, filed an application with the City of San Diego for a permit to maintain an existing, multi-story, single-family residence, including existing height, garage and underfloor area improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Hillside Review and Resource Protection Overlay Zone Permit No. 32731, and Variance No. 209653, on portions of a 0.057-acre site;

WHEREAS, the project site is located at 3502 Jackdaw Street in the R1-20000/Hillside Review Overlay Zone of the Uptown Community Plan Area;

WHEREAS, the project site is legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381;

WHEREAS, on April 21, 2005, the Planning Commission of the City of San Diego considered Hillside Review and Resource Protection Overlay Zone Permit No. 32731 and Variance No. 209653, pursuant to the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated April 21, 2005.

I. HILLSIDE REVIEW ~ (Municipal Code Section 101.0454)

- 1. The site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.**

In 1883, the subject property and surrounding area was subdivided into 25-foot wide by 100-foot deep lots. In 1930, the property and surrounding area were zoned R1-5000 which permitted single-family residential development. With the exception of a small northeasterly corner, the property is located within the Hillside Review Overlay Zone (HROZ), which was applied to the property in 1971. This overlay zone designation required compliance with overlay zone criteria intended to reduce development impacts to slopes and biological resources. With the adoption of the Mid-City Communities Planned District Ordinance in 1986 many properties in the community were downzoned. This property was one of those included in the downzoning, and the majority of the property was rezoned from R1-5000 to R1-20,000/HR. The small northeasterly portion located outside of the HR overlay zone remained zoned R1-5000. The

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rezoning to R1-20,000 was significant and resulted in increased front, interior side and rear setbacks. These significantly impacted the site and resulted in the need to consider variances in an effort to allow reductions in setbacks to allow reasonable use of this remaining substandard legal lot, which was legally nonconforming in terms of lot area.

The existing residence was reviewed, approved and developed pursuant to an approved discretionary permit, HRP/RPOZ Permit No. 88-0742. Evidence in the record supports the conclusion that, during grading activities, fill soils were discovered which were not previously detected due to overgrowth of vegetation in the canyon area. Photographic evidence supports this conclusion. These fill soils resulted in design modifications. These modifications included a retaining wall design in lieu of the approved caissons. The general hillside conditions did not change.

The current application seeks to acknowledge existing height conditions of the residence which observes an increased height due to the lowering of grade to allow excavation of fill soils. The height measurement regulations in effect required the height measurement to be taking from the resulting lowered grade. The overall impact of the development approved by the HRP/RPOZ Permit No. 88-0742 on the legal lot and the canyon area was not changed. The impact of the request to acknowledge the height and design modifications does not result in additional site impacts. The house is sited on the easternmost portion of the lot in order to concentrate the structure on the previously graded pad and pull it out of the canyon as much as possible. The house steps down the site minimizing cut and fill.

In addition, the variance request to allow improvement of the underfloor area and the enclosure of the existing carport for use as a garage does not result in additional site impacts. This project has been reviewed and determined to be exempt pursuant to provisions of the California Environmental Quality Act, and there are no additional impacts to sensitive resources beyond those identified in the environmental document prepared and certified with the approval of the HRP/RPOZ Permit No. 88-0742. Therefore, it is determined that the site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.

2. The grading 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 which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self-sufficient vegetation.

The City Engineer has reviewed the soils/geotechnical report and has determined that although an inactive fault crosses the site, the soil is adequate for the construction related to the existing single-family residence. There is no new grading of sensitive slopes proposed with the project. The existing development has been constructed, implemented and inspected to address grading issues. Therefore, since there is no additional grading proposed with the current application, this condition does not apply.

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3. **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 proposed development retains the visual quality of the site which will not change with the proposed project. Existing conditions are acknowledged. The increase in floor area as a result of improvement of the now enclosed underfloor area does not have an impact because it cannot be seen. The conversion of the carport for use as a garage does not have a significant impact. The resulting development will bring the property into closer conformity with other properties in the vicinity which have been developed with enclosed garages. Enclosure of the garage will also address security considerations of the property owner, which are currently enjoyed by other property owners in the vicinity. Exterior modifications of the structure will be implemented to blend with the existing structure. Therefore, it is concluded that the proposed development will retain 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.

4. **The proposed development is in conformance with the open space element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan, any other adopted applicable plan in effect for this site, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.**

The site is not zoned for open space, and the footprint of the approved development will not change. Additional encroachment into the unimproved public right-of-way of Walnut Avenue is proposed to allow the existing improvements to remain. The existing and proposed improvements conform to the open space element of the City's Progress Guide and General Plan, the Open Space and Sensitive Land Element of the applicable community plan. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff and it has been determined that no dedications or easements are necessary.

5. **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."**

The existing residence incorporates varying pad elevations and is sited on the most easterly portion of the lot possible. Development associated with the current application will have no significant impact on the exterior of the residence or the hillside, because it will acknowledge existing as-built conditions.

II. RESOURCE PROTECTION OVERLAY ZONE ORDINANCE ~ (Municipal Code Section 101.0462)

1. **The proposed development will not adversely affect the City of San Diego's Progress Guide and General Plan.**

The property has been developed with an existing single-family residence. The additional development associated with the current application is minimal and seeks to acknowledge existing height and design conditions. Interior modifications are proposed to convert previously undeveloped underfloor area into habitable space. Minor modifications are proposed to enclose the existing carport for use as a garage. The City's Progress Guide and General Plan and the Uptown Community Plan designate this site for low-density, single-family residential development. The proposed modifications to the existing residence will not adversely affect the City of San Diego's Progress Guide and General Plan.

2. **The proposed development will conform to the community plan for the area and any other applicable plans, policies and ordinances.**

The existing residence has been developed in an area designated for low-density, single-family residential development in the Uptown Community Plan and conforms to that designation. The application proposes to acknowledge existing as-built conditions. Improvements proposed include interior modifications not visible from the exterior and minor modifications to an existing carport which is proposed to be converted into use as a garage. The requested variance to acknowledge the existing height and increase the floor area ratio of the residence is supportable.

3. **The proposed development will be sited, designed, constructed and maintained to minimize, if not preclude, adverse impacts on environmentally sensitive lands.**

The proposed development has been reviewed and determined to be exempt pursuant to the California Environmental Quality Act, and there are no impacts to environmentally sensitive lands on the premises.

4. **The proposed development will be sited and designed to prevent adverse impacts on any environmentally sensitive lands and resources located in adjacent parks and public open-space areas and will provide adequate buffer areas to protect such resources.**

There are no environmentally sensitive lands or resources which will be impacted by the proposed development modifications to the existing residence. There are no adjacent parks. The public open space area of the unimproved public right-of-way of Walnut Avenue will not be affected by the proposed modifications. Impacts to this area will be limited to the existing vegetation.

5. **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 residence is existing and was developed in accordance with a previously approved discretionary permit in 1989. No additional development is proposed which will alter the footprint of the existing residence, and no natural landforms are remaining on the site to be altered.

6. **Feasible measures, as defined in this section, to protect and preserve the special character or the special historical, architectural, archaeological or cultural value or the affected significant prehistoric or historic site or resource have been provided by the applicant.**

The site has been reviewed and determined not to contain any historical, architectural, archaeological or cultural value, or significant prehistoric or historic resources. An exemption has been granted pursuant to the provisions of the California Environmental Quality Act.

III. VARIANCE FINDINGS ~ (MUNICIPAL CODE SECTION 101.0502)

1. **There are special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance in effect for this site.**

In 1883, the subject property and surrounding area was subdivided into 25-foot wide by 100-foot deep lots. In 1930, the property and surrounding area were zoned R1-5000 which permitted single-family residential development. With the exception of a small northeasterly corner, the property is located within the Hillside Review Overlay Zone (HROZ), which was applied to the property in 1971. This overlay zone designation required compliance with overlay zone criteria intended to reduce development impacts to slopes and biological resources. With the adoption of the Mid-City Communities Planned District Ordinance in 1986 many properties in the community were downzoned. This property was one of those included in the downzoning, and the majority of the property was rezoned from R1-5000 to R1-20,000/HR. The small northeasterly portion located outside of the HR overlay zone remained zoned R1-5000. The rezoning to R1-20,000 was significant and resulted in increased front, interior side and rear setbacks. These significantly impacted the site and resulted in the need to consider variances in an effort to allow reductions in setbacks to allow reasonable use of this remaining substandard legal lot, which was legally nonconforming in terms of lot area.

The existing residence was reviewed, approved and developed pursuant to an approved discretionary permit, HRP/RPOZ Permit No. 88-0742. Evidence in the record supports the conclusion that, during grading activities, fill soils were discovered which were not previously detected due to overgrowth of vegetation in the canyon area. Photographic evidence supports this conclusion. These fill soils resulted

in design modifications. These modifications included a retaining wall design in lieu of the approved caissons. The general hillside conditions did not change.

The current application seeks to acknowledge existing height conditions of the residence which observes an increased height due to the lowering of grade to allow excavation of fill soils. The height measurement regulations in effect required the height measurement to be taken from the resulting lowered grade. The overall impact of the development approved by the HRP/RPOZ Permit No. 88-0742 on the legal lot and the canyon area was not changed. The impact of the request to acknowledge the height and design modifications does not result in additional site impacts. The house is sited on the easternmost portion of the lot in order to concentrate the structure on the previously graded pad and pull it out of the canyon as much as possible. The house steps down the site minimizing cut and fill.

In addition, the variance request to allow improvement of the underfloor area and the enclosure of the existing carport for use as a garage does not result in additional site impacts. This project has been reviewed and determined to be exempt pursuant to provisions of the California Environmental Quality Act, and there are no additional impacts to sensitive resources beyond those identified in the environmental document prepared and certified with the approval of the HRP/RPOZ Permit No. 88-0742. Therefore, it is determined that the site is physically suitable for the design and siting of the proposed structure(s) and will result in the minimum disturbance of sensitive areas.

These are considered special circumstances and conditions which apply to the land and existing residence, for which the adjustment is sought, which are peculiar to such land and existing residence. These conditions have not resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance in effect for this site.

2. The aforesaid circumstances or conditions are such that strict application of the provisions of the ordinance in effect for this site would deprive the owner of reasonable use of the land or buildings and that the variance will accomplish this purpose.

The proposed modifications seek only to acknowledge existing overheight conditions caused by previously dumped fill soils on the property, discovered during grading activities to accommodate the existing residence. The existing residence is developed on a lot of substandard width and area, and is unique in terms of development pattern in the area, in which the majority of residences are developed across the common lot line of two lots. Enclosure of the carport for use as a garage will enhance security for the premises enjoyed by other properties in the vicinity. Improvement of the underfloor area as livable space will enhance the use of the premises and will not expand the footprint of the existing development. There are circumstances or conditions in which the strict application of the provisions of the ordinance in effect for this site would deprive the owner of reasonable use of the land or buildings and that the granting of the variance will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the general public welfare.

The requested variances will acknowledge the as-built height and design of the existing residence. The proposed increase in floor area ratio due to improvement of the underfloor area as habitable space will not be visible, and the modification to the carport for use as a garage will be implemented in a manner

compatible with the existing residence. The granting of these variances will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the general public welfare.

4. The granting of the variance will not adversely affect the City's Progress Guide and General Plan.

The site is currently developed with a single-family residence and is in conformance with the existing Progress Guide and General Plan and the Uptown Community Plan. The footprint of the approved development will not change. Additional encroachment into the unimproved public right-of-way of Walnut Avenue is proposed to allow the existing improvements to remain. The existing and proposed improvements conform to the City's Progress Guide and General Plan, and other adopted applicable plans in effect for this site, and the zone. The granting of the requested variances will not adversely affect the City's Progress Guide and General Plan.

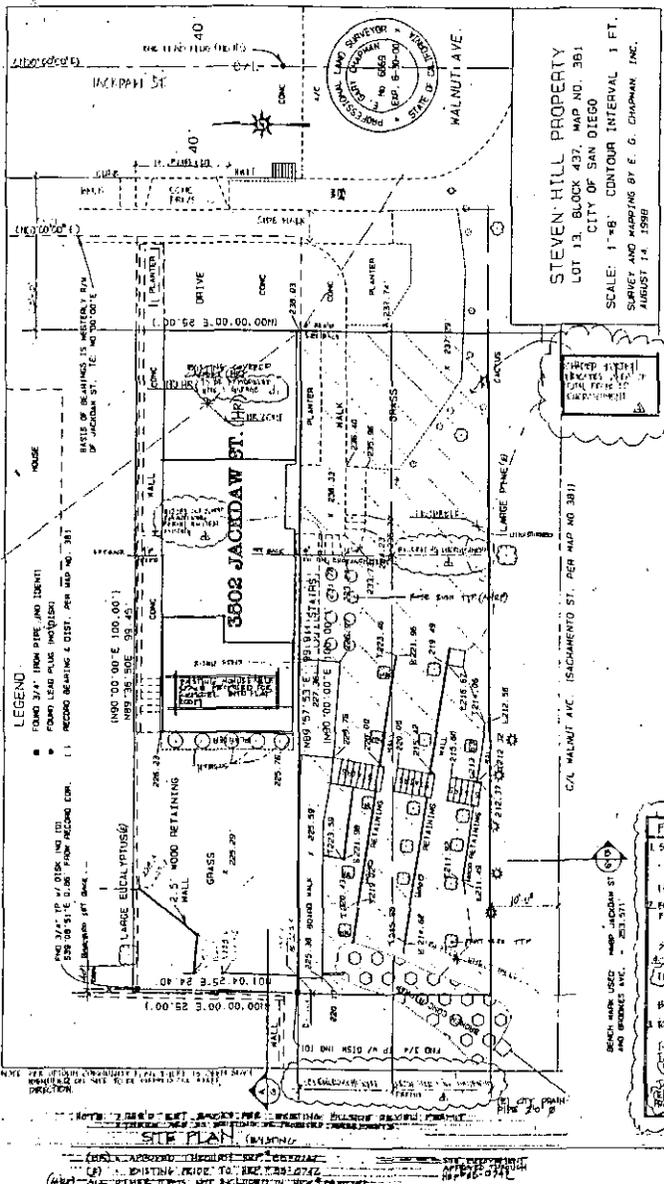
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Hillside Review and Resource Protection Overlay Zone Permit No. 32731, and Variance No. 209653, Amending HRP/RPOZ Permit No. 88-0742, and Encroachment Removal Agreement No. 209658, are hereby RECOMMENDED FOR APPROVAL to the City Council, and Street/Public Right-of-Way Vacation No. 209656, is hereby RECOMMENDED FOR DENIAL to the City Council, to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Hillside Review and Resource Protection Overlay Zone Permit No. 32731, Variance No. 209653, and Encroachment Removal Agreement No. 209658, a copy of which is attached hereto and made a part hereof.

WILLIAM C. TRIPP
Development Project Manager
Development Services

Adopted on: April 21, 2005
By a Vote of: _____
Job Order No. 99-0019

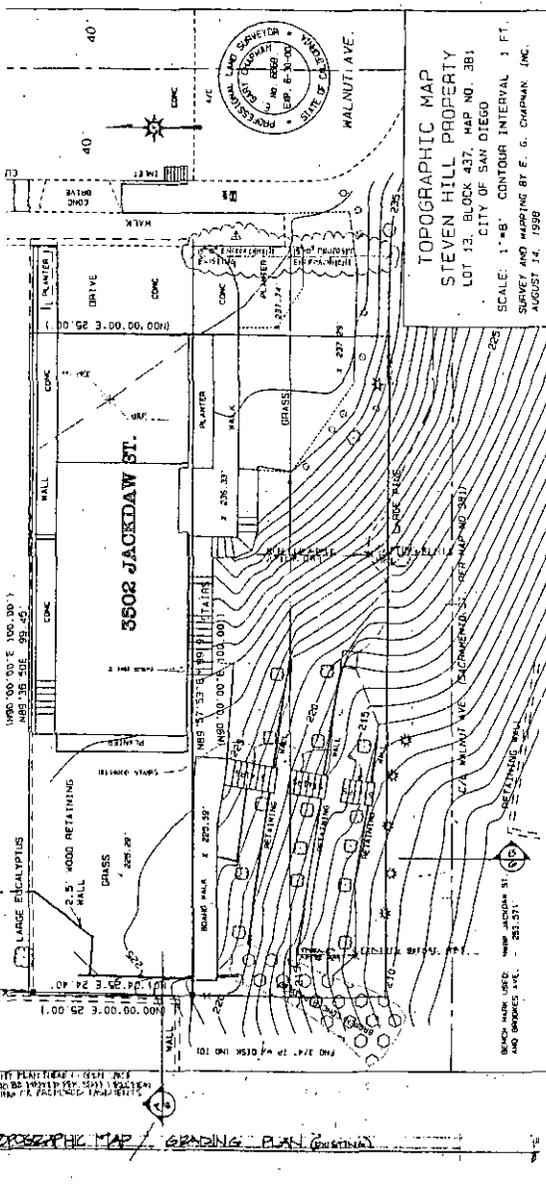
cc: Legislative Recorder, Planning Department

ATTACHMENT 7



GRADING DATA:

1. 1:40' SLOPE TO EXISTING GRADE
2. 1:40' SLOPE TO EXISTING GRADE
3. 1:40' SLOPE TO EXISTING GRADE
4. 1:40' SLOPE TO EXISTING GRADE
5. 1:40' SLOPE TO EXISTING GRADE
6. 1:40' SLOPE TO EXISTING GRADE
7. 1:40' SLOPE TO EXISTING GRADE
8. 1:40' SLOPE TO EXISTING GRADE
9. 1:40' SLOPE TO EXISTING GRADE
10. 1:40' SLOPE TO EXISTING GRADE
11. 1:40' SLOPE TO EXISTING GRADE
12. 1:40' SLOPE TO EXISTING GRADE



ADDRESS: 3802 JACKDAW ST. SAN DIEGO CA 92109

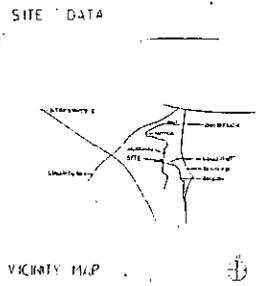
LEGAL DESCRIPTION: LOT 13, BLOCK 437, MAP NO. 381, CITY OF SAN DIEGO, CALIFORNIA

DATE: 08/14/98

PROJECT: LANDSCAPE ARCHITECTURE

DESIGNED BY: E. G. CHAPMAN, INC.

PROJECT NO.: 98-101



PROPOSED BY: E. G. CHAPMAN, INC.

DATE: 08/14/98

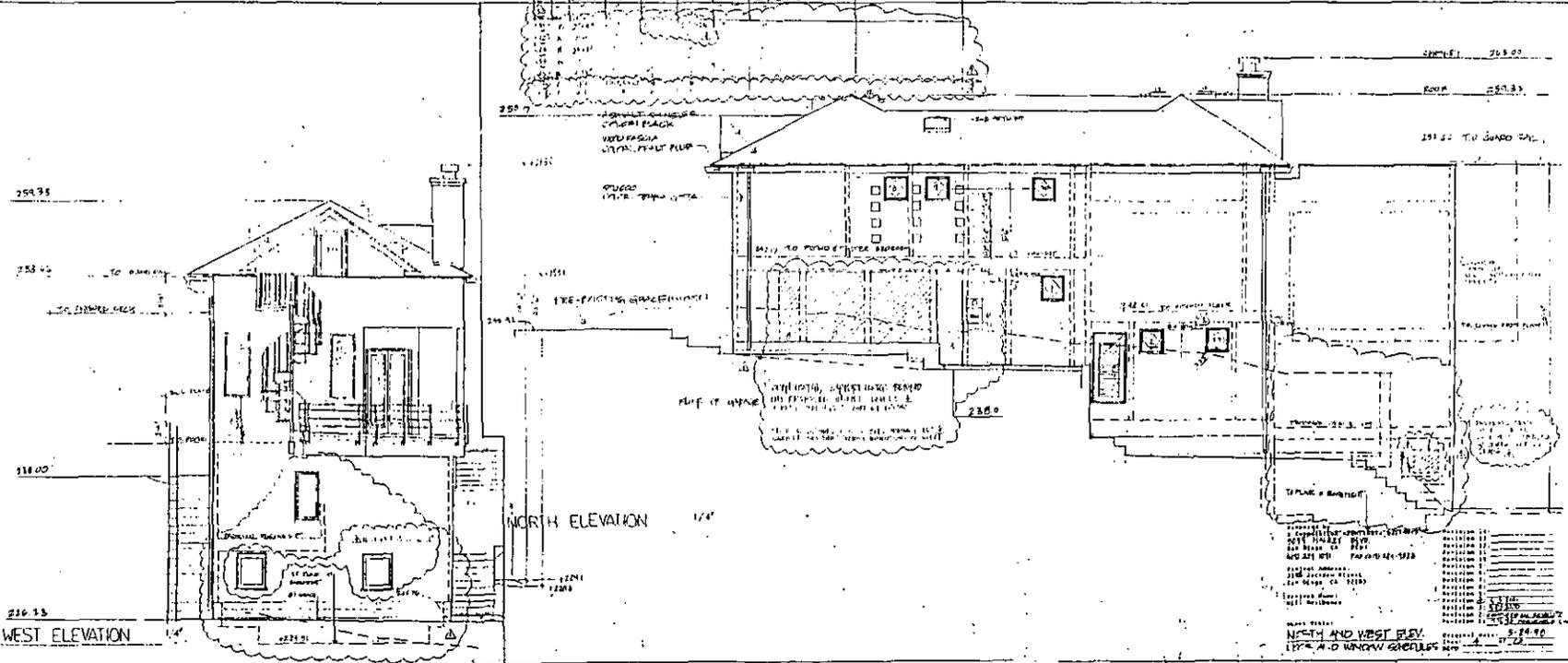
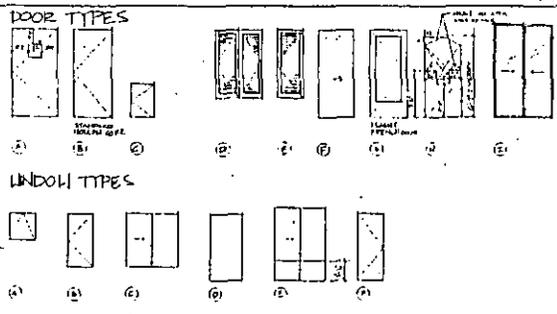
PROJECT NO.: 98-101

DESCRIPTION: LANDSCAPE ARCHITECTURE

NO.	DATE	DESCRIPTION	BY	CHKD BY
1	08/14/98	PRELIMINARY PLAN	EC	EC
2	08/14/98	FINAL PLAN	EC	EC

NO.	SYMBOL	TYPE	UNIT	ALIAS	PRICE	QTY	EXT.	REMARKS
1	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
2	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
3	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
4	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
5	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
6	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
7	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
8	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
9	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
10	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
11	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
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30	A	10'x6'	15'	15'	15'	15'	15'	NO. 100

NO.	SYMBOL	TYPE	UNIT	ALIAS	PRICE	QTY	EXT.	REMARKS
1	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
2	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
3	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
4	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
5	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
6	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
7	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
8	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
9	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
10	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
11	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
12	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
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16	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
17	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
18	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
19	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
20	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
21	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
22	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
23	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
24	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
25	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
26	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
27	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
28	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
29	A	10'x6'	15'	15'	15'	15'	15'	NO. 100
30	A	10'x6'	15'	15'	15'	15'	15'	NO. 100



2. Construction
 3. Windows
 4. Doors
 5. Stairs
 6. Stairs
 7. Stairs
 8. Stairs
 9. Stairs
 10. Stairs
 11. Stairs
 12. Stairs
 13. Stairs
 14. Stairs
 15. Stairs
 16. Stairs
 17. Stairs
 18. Stairs
 19. Stairs
 20. Stairs
 21. Stairs
 22. Stairs
 23. Stairs
 24. Stairs
 25. Stairs
 26. Stairs
 27. Stairs
 28. Stairs
 29. Stairs
 30. Stairs

March 8, 2000

Mr. Alan Wake
City of San Diego
Land Development Review Division
Development Services Center
1222 First Avenue, MS-502
San Diego, CA 92101-4155

RE: REQUEST FOR PARTIAL STREET VACATION

Dear Mr. Wake,

At our meeting on February 24, 2000, it was suggested that the City would support the partial street vacation if either (1) it included both my parcel and the adjoining south parcel, i.e. the entire 80 feet of right of way, or (2) the request was modified to something less than 40 feet. I agreed to follow up by contacting my neighbor again about closing his portion of the street. I also agreed to determine what minimum amount of vacated area would be necessary to satisfy the requirements of the project.

The neighbor's position has not changed. In his view, the land would be of no use to him and he does not want the County to reassess his parcel.

In terms of the amount needed to satisfy project requirements, we have determined that 30 feet, rather than 40 feet, would be sufficient. 30 feet would provide 10 feet for public access, yet still provide sufficient lot size to satisfy FAR requirements and preserve most of the fruit trees.

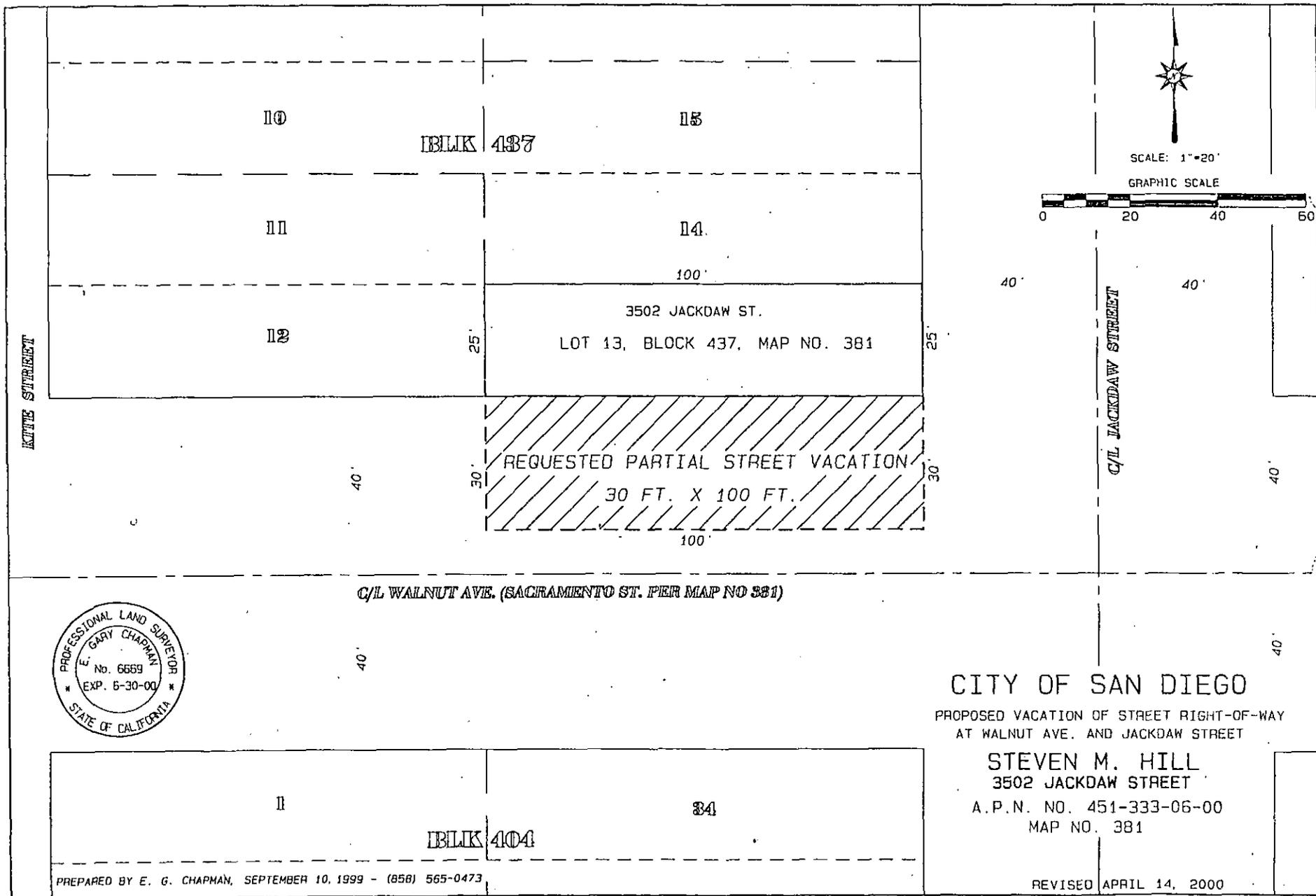
Please contact me about modifying the request to 30 feet. Once I clear it with you, we will redraw and resubmit the appropriate drawings. I appreciate your help.

Sincerely yours,



Steven M. Hill

Cc: Fletcher Callanta
Daniel Lottermoser
Gary Chapman



CITY OF SAN DIEGO
 PROPOSED VACATION OF STREET RIGHT-OF-WAY
 AT WALNUT AVE. AND JACKDAW STREET

STEVEN M. HILL
 3502 JACKDAW STREET
 A.P.N. NO. 451-333-06-00
 MAP NO. 381



000263

ATTACHMENT 10

THE CITY OF SAN DIEGO

VIA FAX AND CERTIFIED U.S. MAIL

June 24, 1998

Mr. Steve Florman
2 Corporation Architect Builders
710 13th St. Suite 201
San Diego, CA 92101

Subject: **Hill Residence SCR to HRP 88-0742, Project No. 96002022-P-1**
Location: 3502 Jackdaw Street, R1-5000/20000 & Hillside Review Overlay
Zones in the Uptown Community Planning Area

Dear Mr. Florman:

The Development Services has completed the Substantial Conformance Review (SCR) to the above referenced project against the original approved Hillside Review Permit (HRP) 88-0742.

The City is unable to support the request for approval to the following issues through the SCR process. The site as developed is not in conformance with the HRP therefore an amendment to the approved permit is required:

1. The existing improvements on the western portion of the lot designated as open space.
2. The existing improvements on the right-of-way. A street vacation must be processed and approved in order to permit these improvements.
3. The construction of a tool shed and retaining wall made outside the subject property. This will not be supported as part of amendment request.
4. The plans submitted indicate ~~that~~ an addition to the west side of the residence. The addition encroaches into the designated Hillside Review Overlay Zone. Please provide a copy of a building permit record to this addition. This expansion must also be included in the request for the amendment of the permit.

Please call me at the office at (619) 236-7056 if you have any questions regarding the matter.



Development Services

1222 First Avenue, MS 302 • San Diego, CA 92101-4153
Tel (619) 533-5931 Fax (619) 533-8924

A meeting with staff, or a direct one-on-one contact with the reviewing disciplines, may also be scheduled or arranged if you believe it is necessary.

Sincerely,



FLETCHER H. CALLANTA
Development Project Manager

cc: Gene Lathrop, LDR Planning
Georgia Sparkman, LDR Planning
Beth Murray, LDR Environmental
Will Zounes, LDR Landscaping
Gib Vong, NCCD
HRP 88-0742 File

HILLSIDE REVIEW/RESOURCE PROTECTION
OVERLAY ZONE PERMIT NO. 88-0742
PLANNING DIRECTOR

This Hillside Review/Resource Protection Permit is granted by the Planning Director of the City of San Diego to STEVEN HILL, a Private Individual Owner/Permittee, pursuant to conditions in Sections 101.0454 and 101.0462 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to construct a 1,785-square-foot residence on a 2,483-square-foot site, located at the northwest corner of the intersection of Jackdaw and Walnut Streets, described as Lot 13 in Block 437 of the Subdivision of the east half and south quarter of Pueblo Lot 1122 in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 381, filed in the office of the County Recorder of San Diego County, March 21, 1883 in the R1-5000 Zone.

2. The Hillside Review/Resource Protection Permit shall allow the following:

- a. One 1,785-square-foot single-family residence with an attic and a carport;
- b. Slopes shall not exceed 2:1 in grade; and
- c. A zero-foot front yard setback where 15 feet is required.

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 June 23, 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 June 23, 1989, 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.

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 101.0454.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/Resource Protection 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 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. 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.

11. 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 Planning Director of the City of San Diego on June 23, 1989.

AUTHENTICATED BY:

Robert W. Didion
ROBERT W. DIDION, SENIOR PLANNER
PLANNING DEPARTMENT

George Arimes
GEORGE ARIMES, DEPUTY DIRECTOR
PLANNING DEPARTMENT

On this 13th day of July in the year 1989,

before me, CATHERINE L. MEYER, a Notary Public in and for said county and state, personally appeared ROBERT W. DIDION, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as SENIOR PLANNER of the City Planning Department, and GEORGE ARIMES, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as DEPUTY DIRECTOR of the City of San Diego, and acknowledged to me that the City of San Diego executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, and the day and year in this certificate first above written.

NAME CATHERINE L. MEYER

SIGNATURE Catherine L Meyer

NOTARY STAMP

LS



HR/RPOZ 88-0742

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

STEVEN M. HILL, a Private Individual, Owner/Permittee

by Steven M Hill 8/2/89

State of California,)
County of San Diego.) SS.

On this _____ day of _____, in the year _____, before me, _____, a Notary Public in and for said county and state, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he (she or they) executed it.

(individual)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

Name _____
(typed or printed)

NOTARY STAMP

Signature _____

State of California,)
County of San Diego.) SS.

On this 2nd day of August, in the year 1989, before me, Carol F. Kuliga, a Notary Public in and for said county and state, personally appeared Steven M. Hill, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he ~~(she or they)~~ executed it.

(individual)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

Name CAROL F. KULIGA
(typed or printed)

NOTARY STAMP

Signature Carol F. Kuliga



Planning Department
City of San Diego
1102 C Street, M.S. 4A
San Diego, CA 92101-3864

NOTE - COUNTY RECORDERS, PLEASE RECORD
RESTRICTIONS ON USE OR DEVELOPMENT OF
REAL PROPERTY AFFECTING THE TITLE TO
OR POSSESSION THEREOF.

000269

PLANNING DIRECTOR RESOLUTION NO. 8046
GRANTING HILLSIDE/RESOURCE PROTECTION
OVERLAY ZONE REVIEW PERMIT NO. 88-0742

WHEREAS, STEVEN HILL, a Private Individual, Owner/Permittee, filed an application for a Hillside Review/Resource Protection Permit to develop subject property, located at the northwest corner of the Intersection of Jackdaw and Walnut Streets in the Uptown Community planning area, described as Lot 13 in Block 437 of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, in the City of San Diego, County of San Diego, State of California, according the Map thereof, No. 381, file in the Office of the County recorder of San Diego County, March 21, 1883 in the R1-5000 Zone; and

WHEREAS, on June 23, 1989, the Planning Director of the City of San Diego considered Hillside Review/Resource Protection Overlay Zone Permit No. 88-0742 pursuant to Section 101.0454 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopts the following written Findings, dated June 23, 1989:

- a. The site is physically suitable for the design and siting of the proposed 1,785-square-foot single-family residence with an attic and will result in the minimum disturbance of sensitive areas. The house is sited on the easternmost portion of the lot in order to concentrate the structure on the previously graded pad and pull it out of the canyon as much as possible. The house steps down the site minimizing cut and fill.
- b. 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 which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self-sufficient vegetation. The City Engineer has reviewed the soils/geotechnical report and has found that although an inactive fault crosses the site, the soil is adequate for the construction of a single-family residence. Drainage on site will be altered little by the construction of the house.
- c. 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

000270

treatments, and appropriate plant material because it fits within the specified floor area ratio allowed by the R1-5000 zone and uses building materials such as, stucco, wood facia, glass and wood shingles which are consistent with many of the newer homes in uptown. While the proposed carport is not common in the neighborhood, the residence adjacent to the north has one.

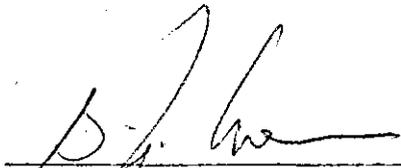
- d. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the community plan, any other adopted applicable plan, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff. The proposed residence meets the specifications of all applicable plans and zones; however, the applicant has requested a front-yard variance to allow a zero-foot setback where 15 feet is required. Since the property line is located 13 feet west of the curblin, this request can be supported. The western portion of the lot is designated open space and will remain in a natural state.
- e. 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" because it incorporates varying pad elevations and is sited on the least sensitive portion of the lot.
- f. 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 house is sited on the easternmost portion of the lot leaving the more sensitive canyon portions relatively undisturbed. Most of the site is composed of old fill material and is therefore not considered sensitive under the Resource Protection Overlay Zone.
- g. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buff areas to protect such resources. Parks and Recreation areas do not exist adjacent to the site. The canyon to the rear of the structure is privately owned.
- h. The proposed development will minimize the alterations of natural landforms and will not resort in undue risks from geological and erosional force and or flood and fire hazards. Natural landforms will not be disturbed by the proposed residence. With proper engineering and

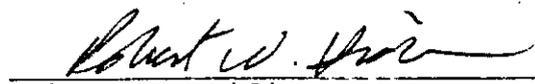
construction, the house will not be subject to undue risk from erosion and flood.

- i. 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 residence will maintain visual quality of the area by using quality building materials and working with the Hillside in its design.
- j. 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. The proposed residence meets the specifications of all applicable plans and zones, however, the applicant has requested a front-yard variance to allow a zero-foot setback where 15 feet is required. Since the property line is located 13 feet west of the curblin, this request can be supported. The western portion of the lot is designated open space and will remain in a natural state.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Director, Hillside Review/Resource Protection Overlay Zone Permit No. 88-0742 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions as set forth in Hillside Review/Resource Protection Overlay Zone Permit No. 88-0742, a copy of which is attached hereto and made a part hereof.


George Arimes
Deputy Planning Director

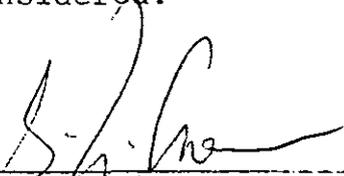

Robert W. Didion
Senior Planner

Adopted on: June 23, 1989

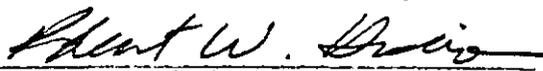
PLANNING DIRECTOR RESOLUTION NO. 8047

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

That, based on the information presented to the Planning Director, it is hereby certified that the information contained in the Environmental Negative Declaration on file in the office of the City Clerk as E.Q.D. No. 88-0742 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State Guidelines thereto, and that said Environmental Negative Declaration has been reviewed and considered.

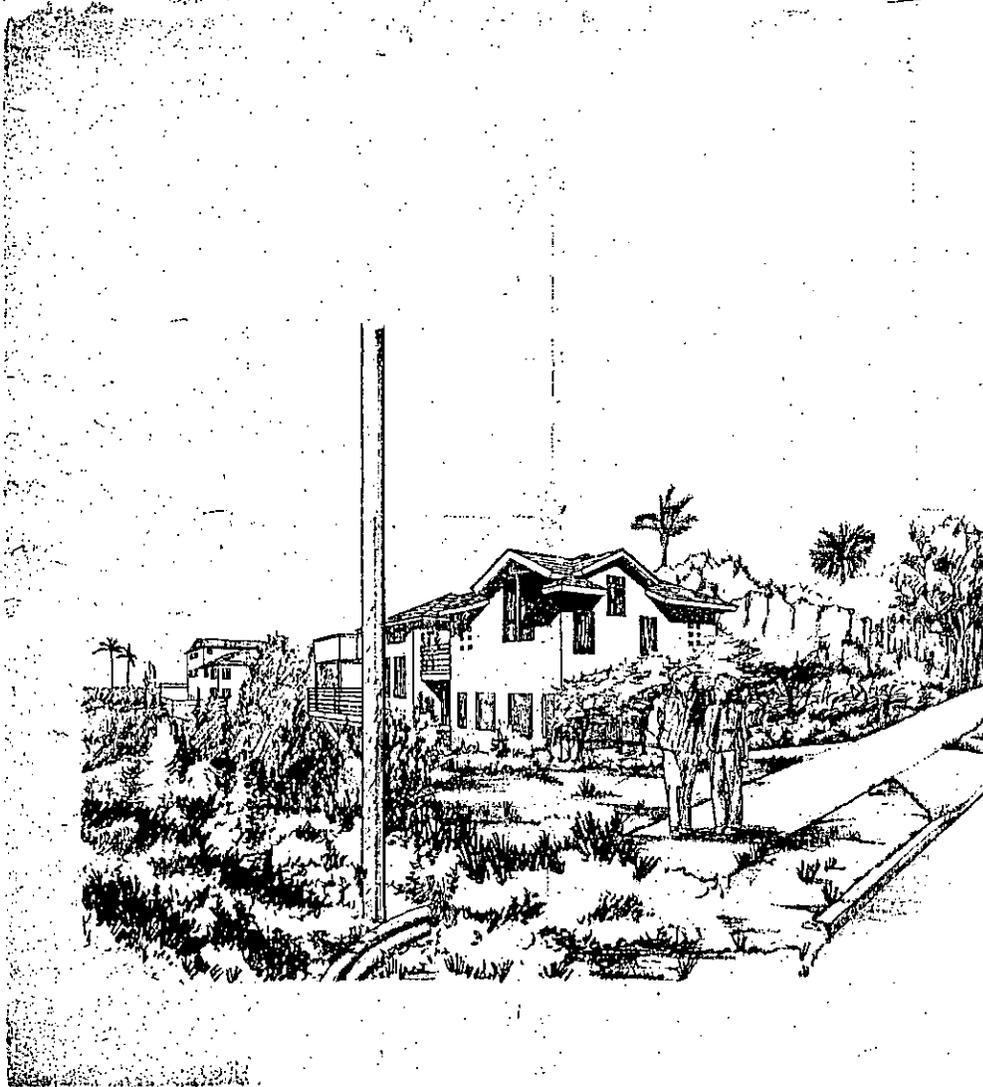


George Arimes
Deputy Planning Director



Robert W. Didion
Senior Planner

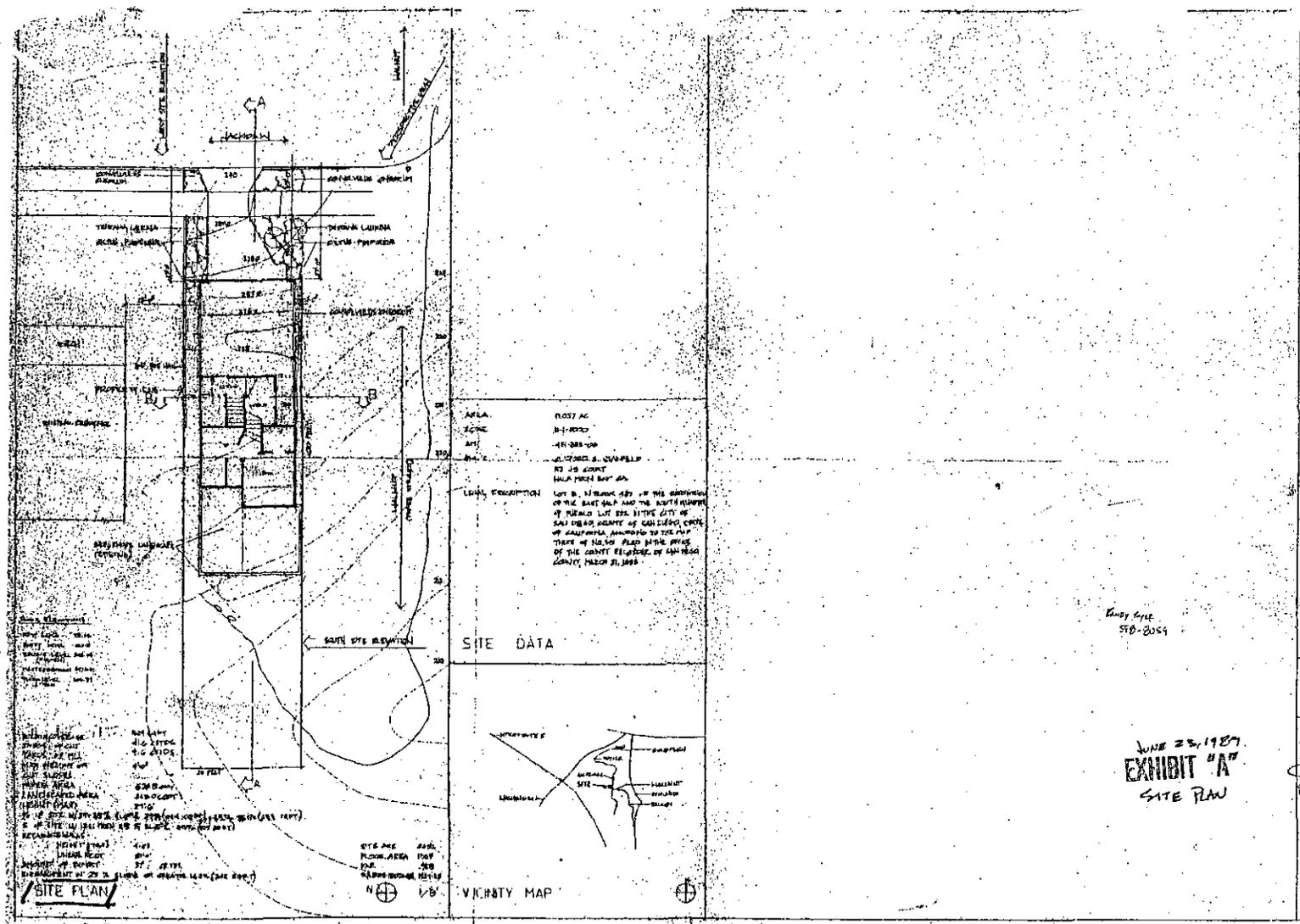
Adopted: June 23, 1989
Case No.: 88-0742



JUNE 23, 1989
RENDERING
ELEVATIONS
SECTIONS

EXHIBIT "A"

000274



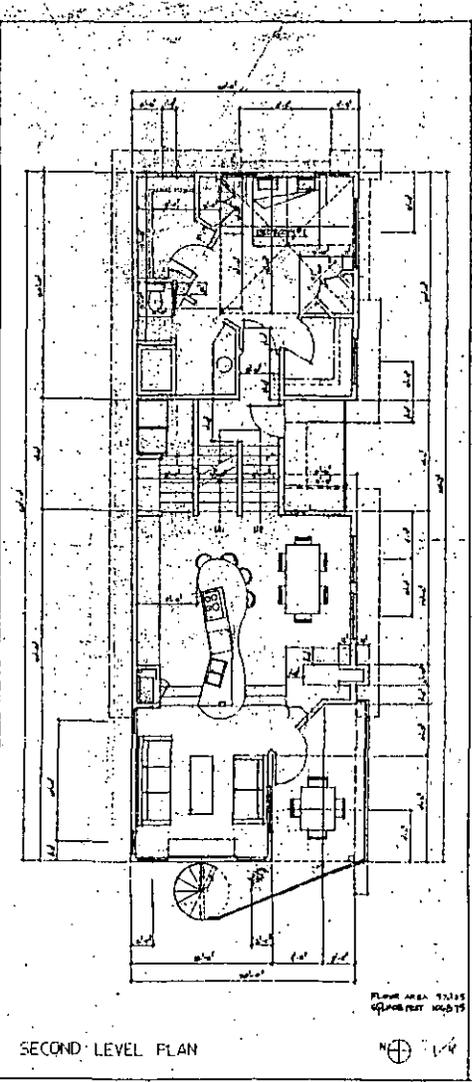
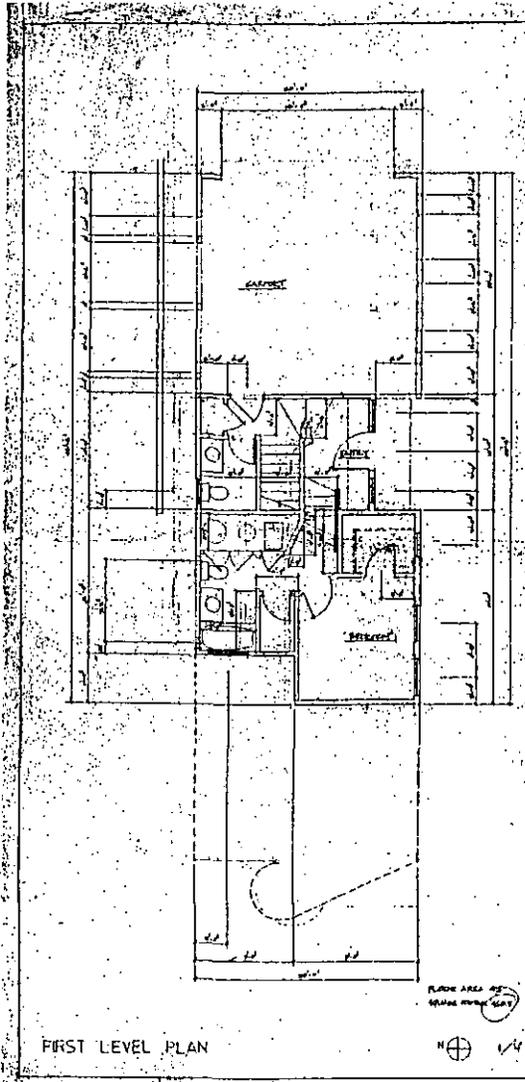
2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

5. [Illegible text]

6. [Illegible text]



JUNE 23, 1969
EXHIBIT "A"
FLOOR PLANS

Cooperation
Professional Building #514743
San Diego, Ca. 92105 057 294-4343

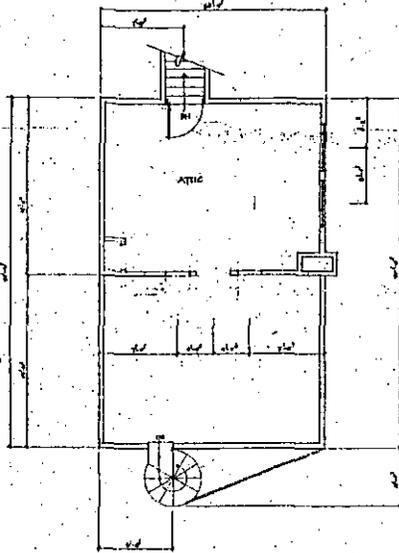
Steve King Residence
Architect: William Spear
San Diego, California

Floor Plans

Dist: 114-06
Repld:
Drawn: [unclear]
Revised:

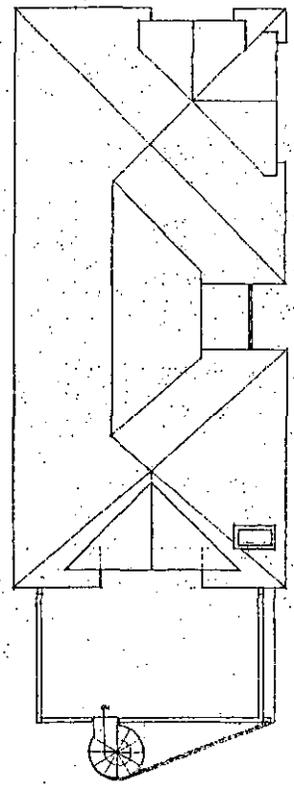
Sheet no.
3/8

000276



THIRD LEVEL

FLOOR AREA 304
SQUARE FEET 310



ROOF PLAN



JUNE 23, 1989
EXHIBIT "A"
ROOF PLAN

2 Construction #51474+B
Removal of Balcony
2005 Olive Street
San Diego, CA 92101

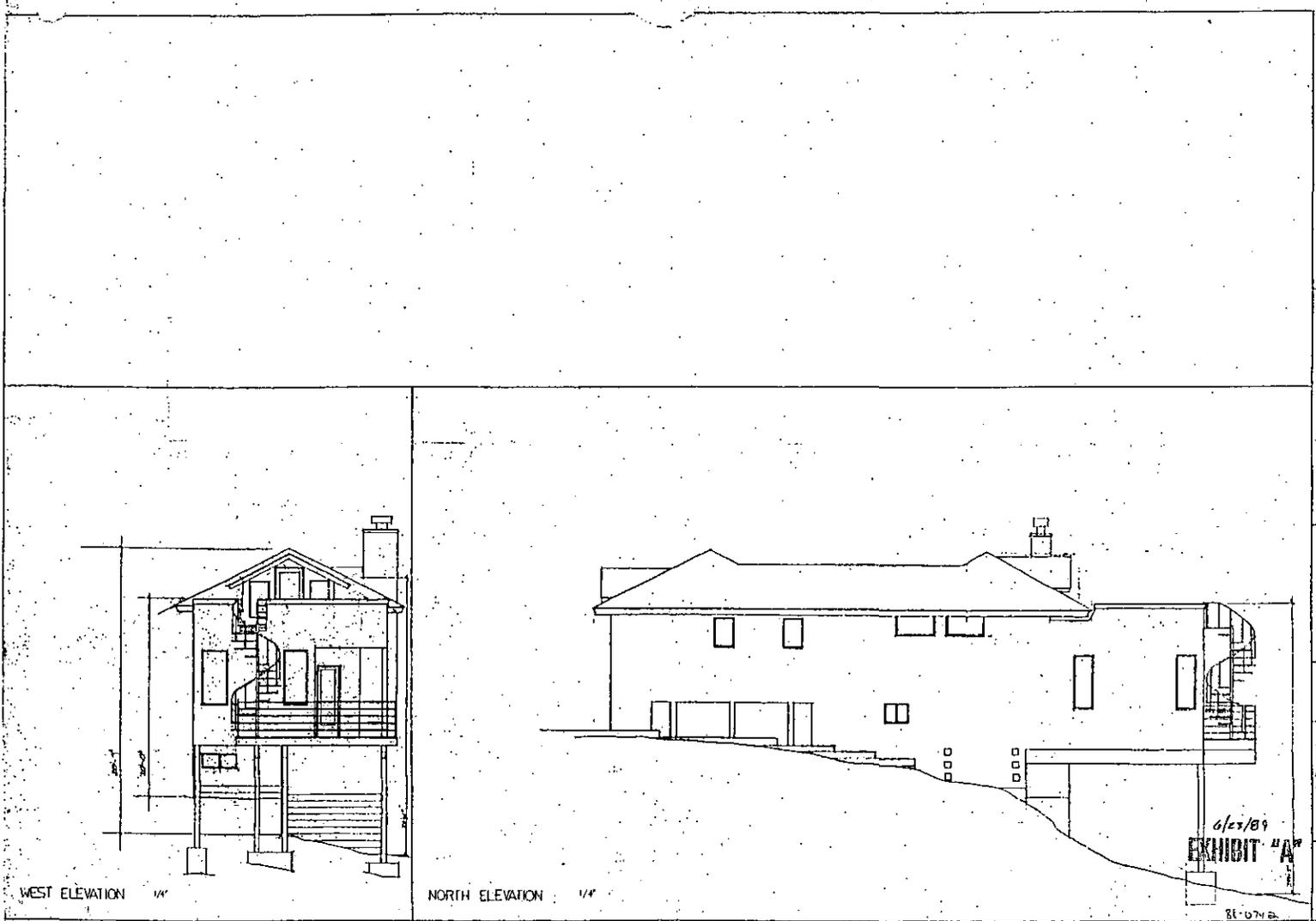
Steve Hill Residence
2005 Olive Street
San Diego, California

Boof Moore

Drawn
Approved
Used By
Access

Sheet No.

3
4/6



WEST ELEVATION 1/4"

NORTH ELEVATION 1/4"

6/23/09
EXHIBIT A

BC-074
North West Elevation

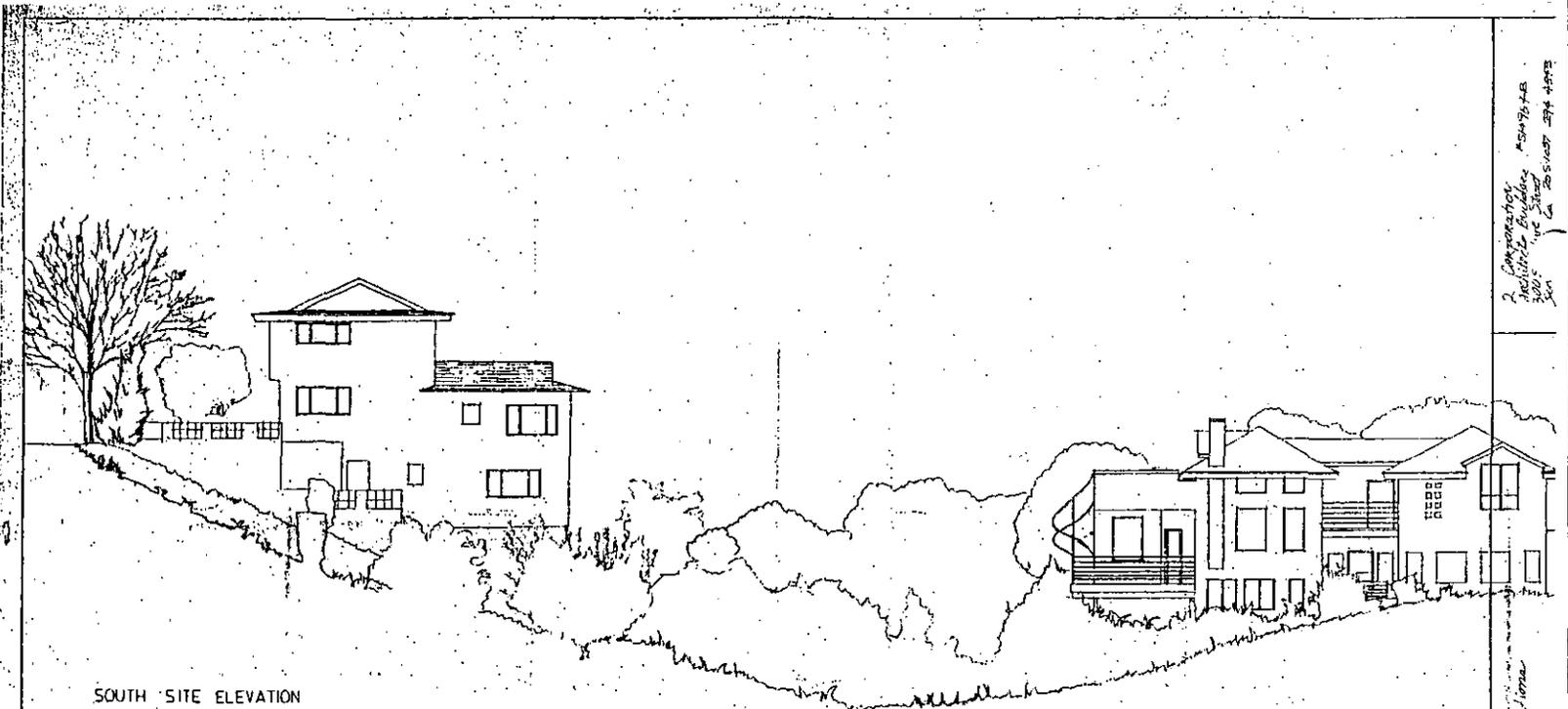
2 Approaches
Architects Building
3905 Blue Street
San Diego, CA 92116-1916

Steve Hill, Residence
Architect & Woodcraft
San Diego, California

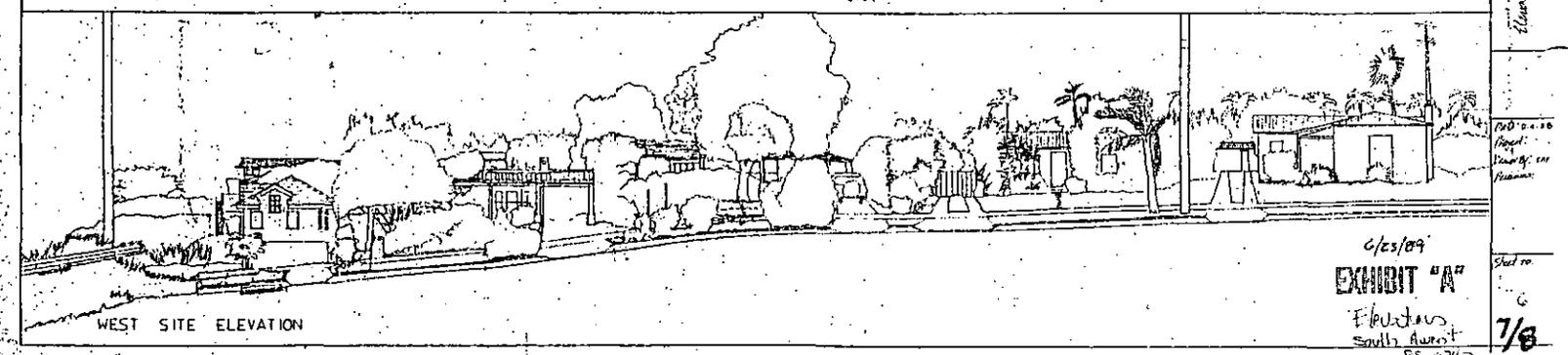
Bluestone

Date: 6/23/09
Project:
Drawing:
Revision:

Sheet no:
5
6/8



SOUTH SITE ELEVATION



WEST SITE ELEVATION

2. Compensation
 Available Building
 2005
 2005
 2005
 2005

Elevation
 1/20/09

1/20/09
 1/20/09
 1/20/09

6/25/09
EXHIBIT "A"
 Elevations
 South Street
 88-1174-2

1/8

25

2131

90 537849

ENCROACHMENT REMOVAL AGREEMENT

Appl. # 12383

Coord. # 210-1716

COPIED IN
RECORDS
SAN DIEGO COUNTY, CA
1990 OCT -2 AM 11:40
VERA L. LYLE
COUNTY RECORDER

In accordance with the provisions of Section 62.0302 of the San Diego Municipal Code, the undersigned, the owner of Lot 13, Block 437 of Map 381

(LEGAL DESCRIPTION)
in the City of San Diego, County of San Diego, State of California, in consideration of the grant of permission by the City of San Diego to install and maintain concrete walkway, steps, irrigation and landscaping

for the use and benefit of owner's property, over, under and across Walnut St & Jackdaw St

RF 6
AR 4
MG 1

covenants and agrees with the City of San Diego, as follows:

Sec. 62.0302

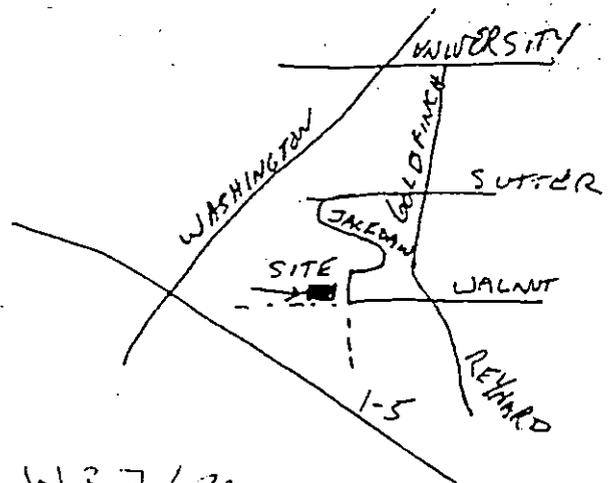
- (a) The encroachment shall be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the owner and successors in interest.
- (b) The property owner shall agree to at all times indemnify and save the City free and harmless from and pay in full, any and all claims, demands, losses, damages or expenses that the City may sustain or incur in any manner resulting from the construction, maintenance, state of use, repair or presence of the structure installed hereinunder, including any loss, damage or expense arising out of (1) loss of or damage to property, and (2) injury to or death of persons; excepting any loss, damage or expense and claims for loss, damage or expense resulting in any manner from the negligent act or acts of the City, its contractors, officers, agents or employees.
- (c) The property owner must remove or relocate an encroachment within 30 days after notice by the City Engineer or the City Engineer may cause such work to be done, and the costs thereof shall be a lien upon said land.
- (d) For structures encroaching over or under the public right-of-way, the owner agrees to provide an alternate right-of-way and/or to relocate said City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that the City facility cannot be economically placed, replaced, or maintained due to the presence of the encroaching structure.
- (e) Whatever rights and obligations were acquired by the City with respect to the rights-of-way shall remain and continue in full force and effect and shall in no way be affected by the City's grant of permission to construct and maintain the encroachment structure.
- (f) The property owner shall maintain a policy of liability insurance in an amount satisfactory to the City Engineer in order to protect the City from any potential claims which may arise from the encroachments.

(FOR COUNTY RECORDER'S USE ONLY)

PLAT SHOWING LOCATION

For encroachment details, see sketch.

APN 451-333-00
Reference: Building Inspector
Plan file Number
A006023-89
Refer to: Encroachment Removal
Application #: 12383
Coord #: permit # W37621



Recording requested by
Engineering/Permits and
mail to: City of San
Diego, Mail Sta-309

August 2, 1990

[Signature]
(SIGNATURE)

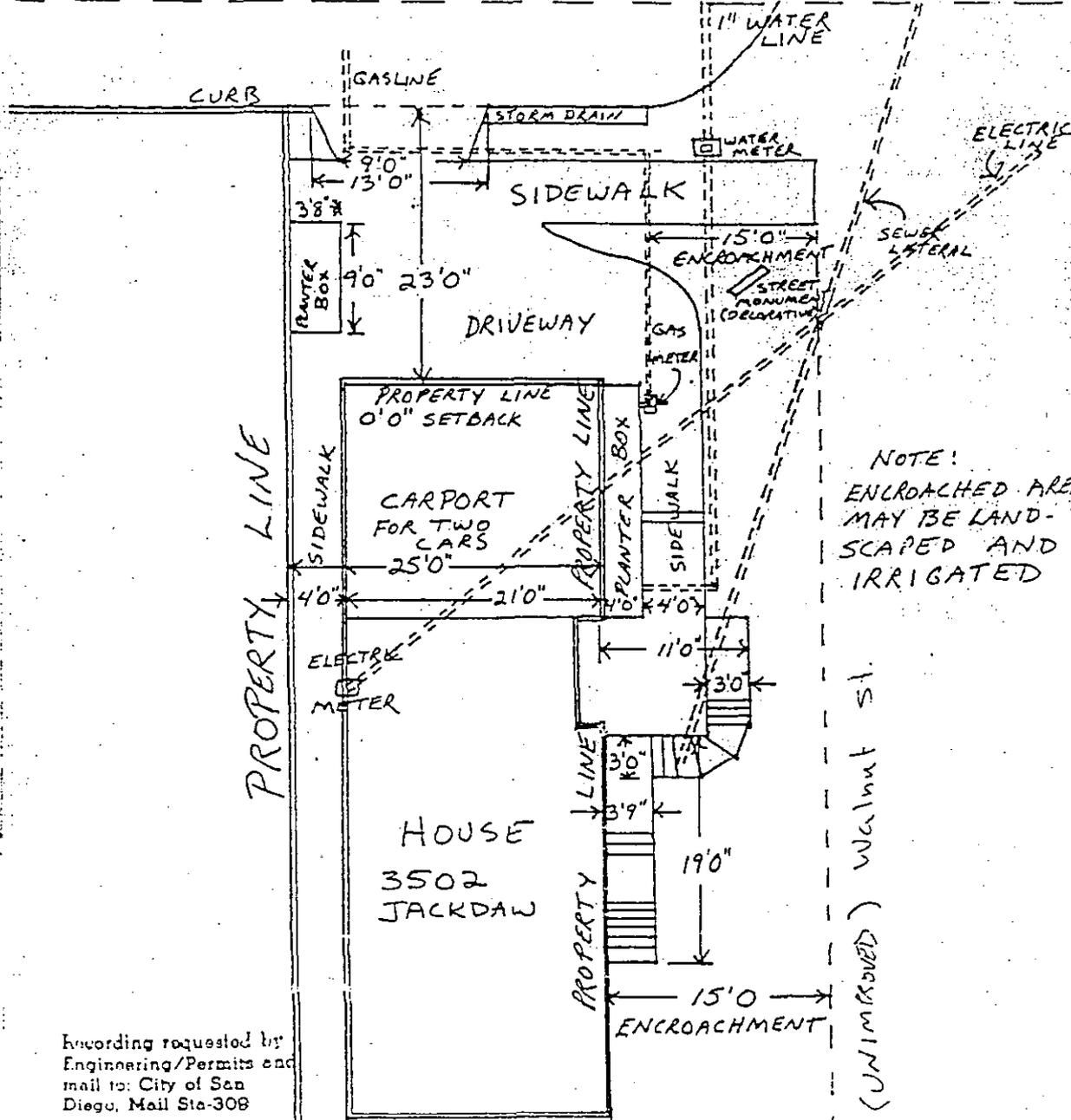
Steven M. Hill

(PRINT NAMES)

EXHIBIT
9

2132

JACKDAW STREET



OFFICIAL RECORDS, SAN DIEGO

NOTE!
ENCROACHED AREA
MAY BE LAND-
SCAPED AND
IRRIGATED

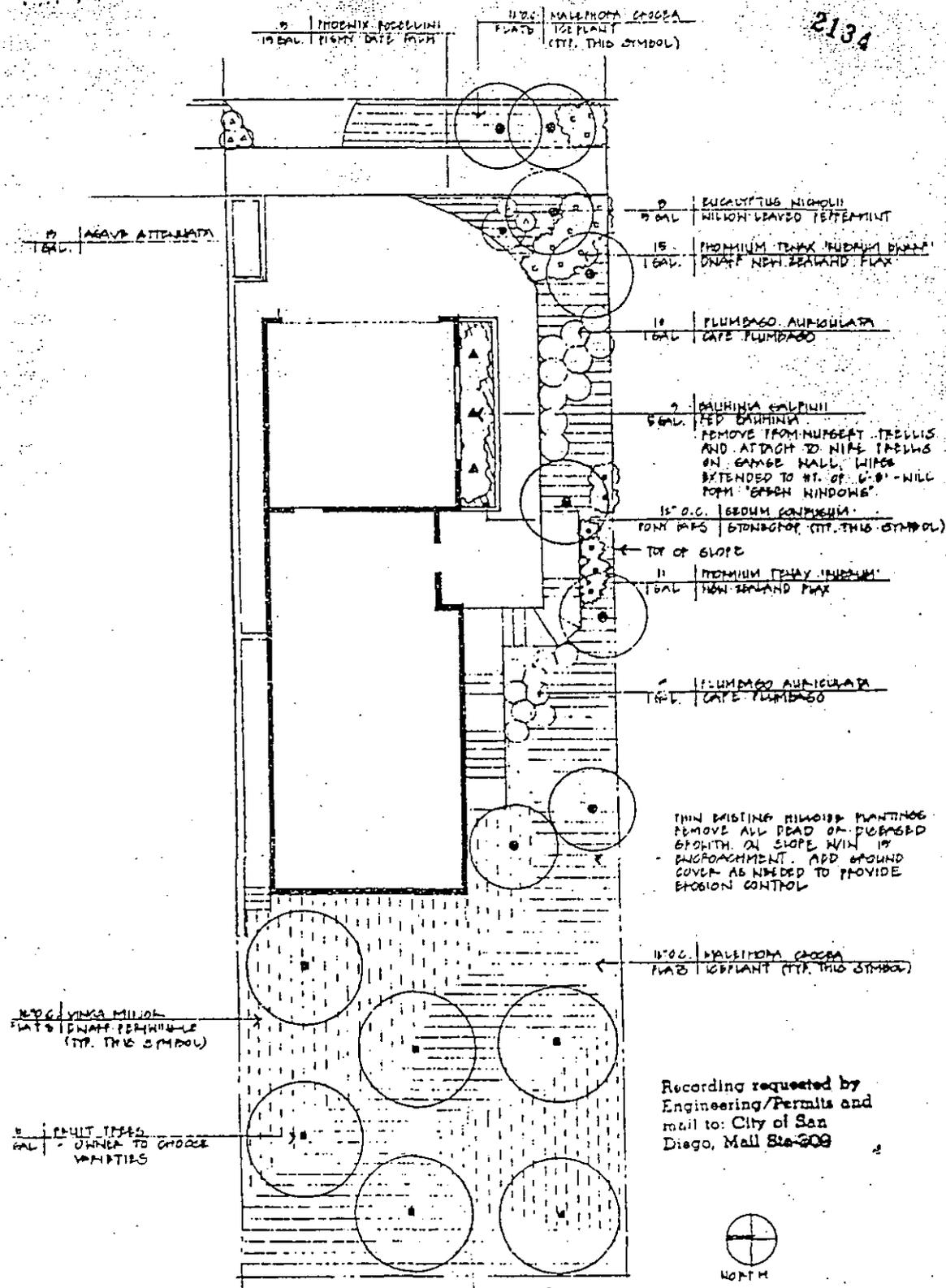
Recording requested by
Engineering/Permits and
mail to: City of San
Diego, Mail Sta-308

LOT SIZE"
25'0" WIDE
100'0" LONG

7/31/90
3502 JACKDAW
SAN DIEGO
MAP 381 LOT 13 BLOCK 437
HILL RESIDENCE

000284

2134



OFFICIAL RECORDS, SAN DIEGO, CALIF. 1111 N. VALLE LEA

PLANTING PLAN

1/8" = 1'-0"

HILL RESIDENCE
PALME and JACKSON, San Diego



C.H. Wood & Associates
SOIL & FOUNDATION ENGINEERING

PROJECT NO. 5498
11/03/89

Steven M. Hill
530 "B" Street, Suite 1500
San Diego, California 92101

SUBJECT: Report of Compacted Fill For Steven Hill Property, Lot
13 of Block 437, Jackdaw and Walnut, San Diego,
California.

Gentlemen:

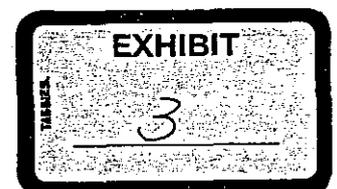
This is to report the results of soil tests, observations, and inspection of earthwork construction at the subject site. The work was performed during the period between 10/27/89 and 11/03/89.

To briefly summarize our work, embankment materials consisting of remolded native and imported select(class 4) soils have been placed to an approximate depth of 16 feet in the westerly portion of the site, in order to create a level building pad. Our testing indicates that the placed fill soils have been compacted to a minimum of 90 percent of laboratory determined maximum density at our test locations.

1. SCOPE

Our function consisted of providing the soil engineering services to certify compliance with the current standard practices regarding site grading and earthwork.

Our findings, conclusions and recommendations are based on the premise that the portion of the soils tested are representative of the entire project.



PROJECT NO. 5498
11/03/89

2. SOIL CONDITIONS

2.1 SOURCE OF FILL SOILS

Soils used in the fills were those generated from on-site excavation and imported class 4.

2.2 OVERSIZED MATERIAL DISPOSAL & NON-STRUCTURAL FILL

Oversized material was not encountered. Therefore, no special consideration need be given this characteristic.

2.3 EXPANSIVE SOILS

Moderate to low expansive soils exist at finish grade. This condition will require special slab and foundation design. Refer to Section 3 of this report for appropriate specification.

2.4 EMBANKMENT & FILLED GROUND

Prior to placement of fill, the areas to receive fill were scarified, watered and compacted to 90 percent. Natural ground to receive fill was tested to determine its relative compaction. Any native soils having a relative compaction of less than 90 percent was removed, replaced and compacted to 90 percent.

Fill soil was placed, watered, and mechanically densified. During grading, any fill found to have a relative compaction of less than 90 percent was reworked until the proper density of 90 percent had been achieved.

2.5 SOIL TESTS

To verify compaction, field density tests were performed in accordance with applicable American Society of Testing and Materials (ASTM) test methods. Test method ASTM D2922 was used at the vertical locations indicated on the table, Field Density Test Results. The results of these tests are presented as follows.

Maximum dry density determinations were performed in accordance with ASTM D1557. Tables of the laboratory test results are appended to the following tables of field density test results:



PROJECT NO. 5498
11/03/89

FIELD DENSITY TEST RESULTS

(See Plan for horizontal location)

Test No	Date '89	Vertical Location	Field Moist (%)	Field Dens. (pcf)	Soil Type	Compaction Field (%)	Compaction Req'd (%)	Remarks <Note Ref>
1	10/27	<FG>-15'	15.0	104.8	I	86.5	90.0	
2	10/27	<FG>-15'	13.5	109.0	I	90.0	90.0	<RT1>
3	10/27	<FG>-14.5'	11.8	110.2	I	91.0	90.0	
4	10/30	<FG>-14.5'	10.7	97.3	II	88.4	90.0	
5	10/30	<FG>-14.5'	12.5	101.4	II	92.1	90.0	<RT4>
6	10/30	<FG>-13.5'	9.0	113.1	I	93.6	90.0	
7	10/31	<FG>-12.5'	10.4	110.1	I	90.9	90.0	
8	10/31	<FG>-10.5'	9.2	127.8	III	102.3	90.0	
9	11/01	<FG>-9.5'	8.7	108.9	III	87.2	90.0	
10	11/01	<FG>-9.5'	9.6	120.2	III	96.2	90.0	<RT9>
11	11/01	<FG>-9'	9.4	116.0	III	92.9	90.0	
12	11/01	<FG>-8.5'	10.4	113.4	III	90.8	90.0	
13	11/02	<FG>-7'	10.6	119.4	III	95.6	90.0	
14	11/02	<FG>-6'	13.0	116.5	III	93.3	90.0	
15	11/02	<FG>-4.5'	8.9	113.0	III	90.5	90.0	
16	11/03	<FG>-3.5'	10.8	110.8	III	89.0	90.0	
17	11/03	<FG>-3.5'	11.0	113.5	III	90.9	90.0	<RT16>
18	11/03	<FG>-2.5'	10.7	116.5	III	93.3	90.0	
19	11/03	<FG>-2.5'	11.9	109.0	III	87.3	90.0	
20	11/03	<FG>-2.5'	11.1	114.4	III	91.6	90.0	<RT19>
21	11/03	<FG>-1'	10.9	112.7	III	90.2	90.0	
22	11/03	<FG>-1'	9.2	114.5	III	91.6	90.0	
23	11/03	<FG>	8.3	118.2	III	94.6	90.0	
24	11/03	<FG>	11.0	114.0	III	91.3	90.0	
25	11/03	<FG>	8.4	119.0	III	95.6	90.0	

<RT> Retest <OG> Original Grade <FSG> Finish Subgrade <FG> Finish grade

LABORATORY TEST RESULTS

MAXIMUM DENSITY & OPTIMUM MOISTURE

(ASTM D1557 METHOD A)

Sample & Description	Max Dens	Opt Moist
I Brown Silty Sand	121.1 pcf	12.0 %
II Light Tan Sandy Silt	110.0 pcf	16.0 %
III Tan Silty Sand (Imported Class IV)	124.9 pcf	10.9 %



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3. SUMMARY & RECOMMENDATIONS

3.1 GENERAL

The final results of our tests and observations indicate that the filled ground has been compacted to a minimum of 90 percent. The earthwork has been accomplished in accordance with the grading specifications and current standard practices.

3.2 EXPANSIVE SOILS

The majority of the soils encountered during the course of our investigation were not detrimentally expansive. However, some soils with a low to moderate expansion potential were encountered. Prior to construction of the concrete slabs the surface of the subgrade should be inspected for the presence of expansive soils. If expansive soils occur within the upper 2 feet of finish grade, presaturation will be necessary. The presaturation should be performed until either the soils reach a degree of saturation in excess of 94 percent or the percent of remaining soil swell is less than 2 percent from in-situ conditions.

3.3 FOUNDATIONS

The soil conditions at the site require the following:

- 1) The exterior perimeter foundations be continuous and founded a minimum of 24 inches below lowest adjacent grade.
- 2) The interior footings be founded a minimum of 18 inches below top of slab or 18 inches below lowest adjacent grade for raised floor construction.
- 3) All continuous foundations should be reinforced as a beam with 2-#4 bar positioned 3 inches above the bottom of footing and 2-#4 bar positioned 2 inches below top of foundation or top of finish floor. All foundations should be constructed of a concrete which will develop a 28 day compressive strength of 3000 psi. This reinforcing criteria should not be allowed to conflict with more stringent recommendations of the structural engineer.



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Footings widths should be determined by the allowable bearing value of the soils as presented hereinafter and the foundation load to be transmitted to the soil. Practical considerations dictate that continuous and square footings should have minimum widths of 18 and 24 inches, respectively.

Allowable Foundation Bearing Pressures:

1. An allowable bearing value of 1500 psf and 2000 psf may be used for design of 24 inch deep, continuous footings 18 inches wide and square footings 24 inches in width, respectively. These values may be increased by 200 psf for an additional 12 inches in depth.
2. The allowable bearing value may be increased by one-third when designing for short duration loading such as seismic or wind forces.

Footings on or adjacent to slopes should be oriented such that the dimension from the face of the footing to the face of the slope is a minimum of 8 feet.

This requirement is considered the minimum setback necessary to minimize the detrimental affects of slope yielding, commonly referred to as slope creep. This naturally occurring condition affects nearly all slopes to some degree. However, the rate and depth to which the creep will occur is generally greater in silty-clayey soils which exhibit a significant expansion potential. This downslope creep is commonly defined as "extremely slow and sometimes nearly imperceptible downslope movement of the near surface slope soils of both artificial and natural slopes due to gravity forces". The rate of this type of movement is dependent upon a combination of factors including but not limited to slope height and geometry, strength parameters of the soils contained within the slope, the expansion potential of the slope soils, moisture and groundwater levels within the slope, type and quantity of vegetational growth on the face of the slope, rates of landscape watering, weather patterns, and surface drainage parameters of both the face of the slope and areas adjacent to the top of the slope. The presence of detrimentally expansive soils within a slope has been found to be a major factor affecting the rate as well as the magnitude of down slope creep.

Based on the aforesaid discussion it is apparent that slope creep is complex soil condition which is not well understood and difficult if not impossible to accurately estimate in terms of magnitude. As was previously mentioned certain soils under varying conditions are more creep prone than others. However, no general rule exists for determining the degree of future slope creep and the effect it will have on the dwelling and appurtenances.



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11/03/89

Expansive soil related slab and foundation uplifting should be within acceptable limits provided the recommendations contained within this report are complied with. However, some minor cosmetic defects may occur in the future due to cyclic expansion and contraction of the expansive soils at the site.

Cut-fill Transitions beneath the structure where foundations will bear partially on cut and partially on fill exist at the site. Different compression characteristics of cut and fill soils may result in slight unequal support and consequential cracking of foundation elements.

Estimated foundation settlement should be less than $3/4$ and $1-1/4$ inches for total and differential settlement respectively. This is in addition to normal construction tolerances.

Should it be desired to reduce the potential for foundation settlement associated with compression of fill soils, foundation elements can be extended through the fill into the underlying dense formational soils. It is important to note that the extension of the foundation elements through the fill is not a requirement for development of the site. Although, based on our inspection and testing, the fill has been properly placed the long term response of the embankment to natural and artificially created conditions can only be approximated and not accurately predicted. Estimated differential and total foundation settlement may be greater than the assumed maximum values.

3.4 CONCRETE SLABS

In accordance with FHA-HUD requirements for concrete slabs to be constructed on moderately expansive soils, we recommend that all concrete slabs (ie; interior, garage, driveway, patio, ect..) shall be a minimum of 4 inches in thickness and reinforced at mid-height with #3 bars placed on 18 inch centers in both directions. All slab reinforcement should be properly supported to insure the desired placement. The slabs shall be underlain with 4 inches of washed sand or crushed rock. In addition, all interior (including garage) slabs shall be provided with a vapor barrier consisting of a minimum of 6 mil polyvinyl chloride membrane with all laps sealed. Two inches of sand shall be placed over the membrane to aid in uniform curing of the concrete. All interior and garage slabs should be constructed of a concrete which will develop a 28 day compressive strength of 3000 psi.



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11/03/89

Exterior slabs-on-grade to include driveways, sidewalks, patios, etc., should be constructed of 2000 psi concrete a minimum of 4 inches in thickness and should be reinforced as previously described. We should be contacted to provide an alternate slab section if heavy loads or wheel loads in excess of 2000 pounds are anticipated. In order to control cracking, exterior slabs should be constructed with control joints spaced at no more than 8 feet on center in both directions. In addition, an expansion joint consisting of asphalt impregnated felt should be placed between exterior slabs the structures foundation. It should be noted that slabs constructed near the top of slopes can be expected to gradually separate from the dwelling due to normal slope yielding.

4. LIMITATIONS

4.1 UNIFORMITY OF SOIL CONDITIONS

The values presented in this report are based on our evaluation of the soils exposed at each of our test locations. Although the locations of our tests were selected in order to provide a representative sampling of a portion of the site soils, the values may be substantially different in untested areas due to unforeseeable variations in the soils occurring in the areas not tested. Should any soil or geological condition not described within this report be encountered, the soils engineer should be contacted immediately in order to re-evaluate the conclusions presented herein.

4.2 TIME LIMITS

The conclusions and findings presented in this report are valid as of the report date. Changes in the site conditions and soil conditions of the property may occur in the near future due to artificial works or natural occurrences. This may include changes which occur on adjacent property which may directly affect the property investigated. Therefore, the recommendations and design values presented in this report may become inaccurate due to alteration of the site or adjacent properties subsequent to this report. It is, therefore, our intent that the values in this report remain applicable for a period of not longer than one year provided the site conditions remain unaltered. After a period of one year, we should be contacted to inspect the site and review this report in order to verify the validity of the recommendations and design values presented herein.



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11/03/89

4.3 WARRANTY

Certain risks are involved with soil stability, foundations, and soil engineering which should be recognized by those involved. During the course of our engineering services, we have performed in accordance with the current standard practices and procedures presently utilized by members of our profession in this region. No warranty or guarantee is either expressed or implied by the professional services we have performed including the written reports of our findings.

4.4 OUTSIDE RESPONSIBILITY

It is the responsibility of the firm or person requesting our services or their representative to insure that the recommendations and design criteria presented herein are made available to the project engineer and architect so that they may be included in the job plans and specifications. In addition, it is the responsibility of the client and/or architect to provide whatever measures are required in order to make certain that the contractor and contractor employees are made aware of and comply with the applicable recommendations set forth in this report during construction.

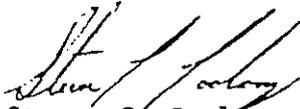
4.5 PROJECT CONCEPT

This office should be notified of any changes in the proposed structures or site grading concept so that an addendum or modifications to this report may be provided as necessary. Any subsequent grading should be done under our observation and testing.

If there are any questions, please contact us. This opportunity to be of service is sincerely appreciated.

Respectfully submitted,

C. H. WOOD & ASSOCIATES, INC.



Steven C. Coolong, RCE 41950
Senior Engineer

SHR:dfh

cc: (3) Addressee





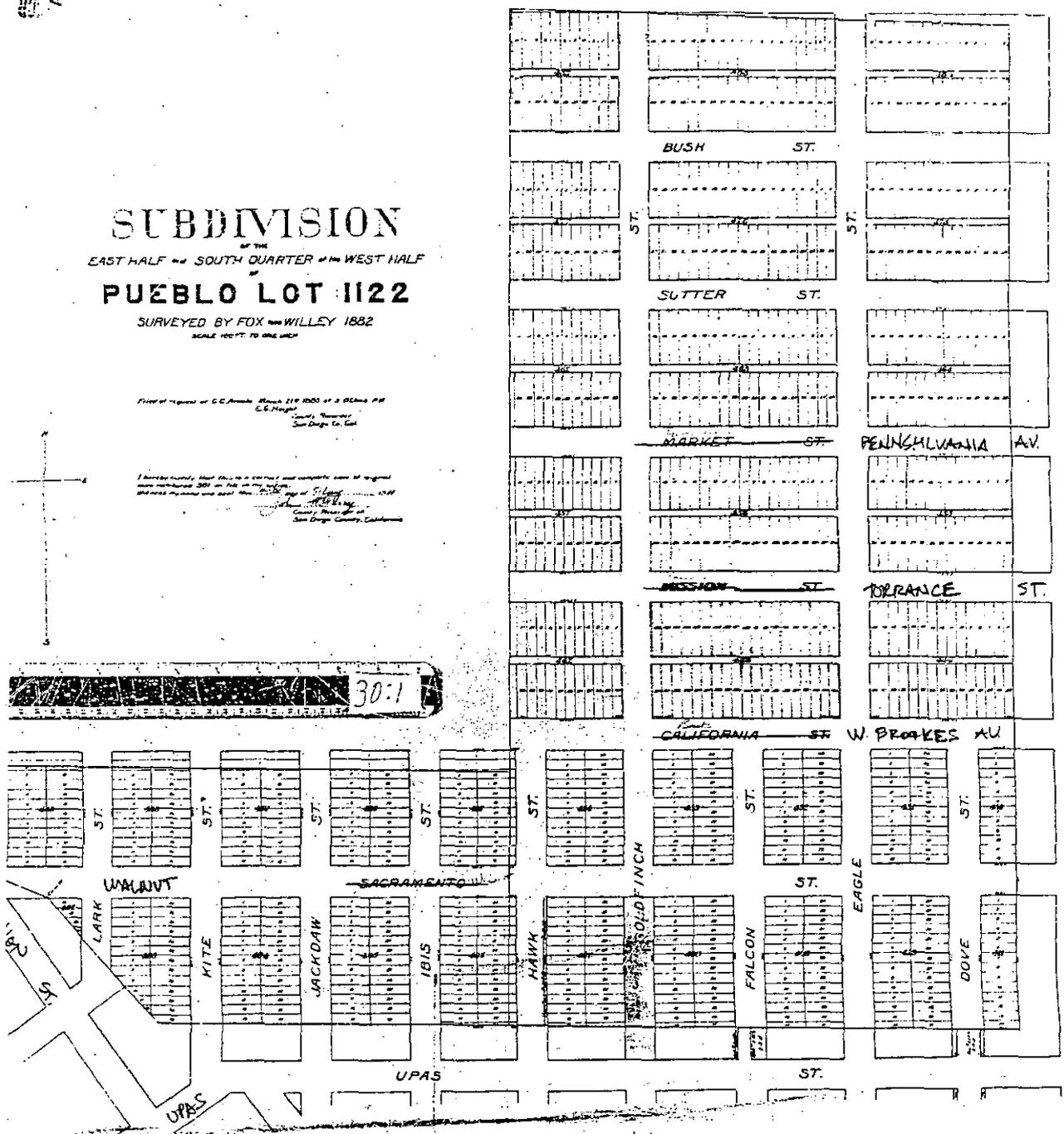
ATTACHMENT 10



SUBDIVISION
 OF THE
 EAST HALF AND SOUTH QUARTER OF THE WEST HALF
 OF PUEBLO LOT 1122
 SURVEYED BY FOX AND WILLEY 1882
 SCALE 100 FT. TO ONE INCH

Filed of record of C.C. Powell, Books 119 1905 at 3 O'Clock PM
 C.C. Powell
 County Recorder
 San Diego Co. Cal.

I hereby certify that this is a correct and complete copy of original
 map recorded 1882 on file in my office.
 Witness my hand and seal this 11th day of July 1911
 County Recorder
 San Diego County, California



000295

ATTACHMENT 16

UPTOWN PLANNERS
c/o B.H. Group, Inc.
1751 University Avenue
San Diego, CA 92103
(619) 260-0661 Fax: (619) 299-7055

February 3, 1999

To: Leisa Lukes
From: Bob Grinchuk *Bob Grinchuk*
Chair, Uptown Planners
Re: Hill Residence, 3502 Jackdaw St.
HRP (Am) 99-0019

Because of the complexity of this project, Uptown Planners voted to continue this item until the committee receives the project assessment letter from Development Services.

Meeting Date: February 2, 1999

Vote: Yes: 7
No: 0
Abstain: 1

000296

ATTACHMENT 16

UPTOWN PLANNERS
c/o B.H. Group, Inc.
1751 University Avenue
San Diego, CA 92103
(619) 260-0661 Fax: (619) 299-7055

March 10, 1999

To: Leisa Lukes

From: Bob Grinchuk
Chair, Uptown Planners



Re: Hill Residence, 3502 Jackdaw St.
HRP (Am) 99-0019

Because of the complexity of this project and because the project architect was unable to attend the March meeting, Uptown Planners voted to continue this item for a second time until its April 1999 meeting.

Meeting Date: March 2, 1999

Vote: Yes: 11
No: 0
Abstain: 0

000297



City of San Diego
Development Services
Development Services Center • 1222 First Ave., MS-301
San Diego, CA 92101
(619) 533-5931

Community Planning Committee Distribution Form Part 2

Project Name: <u>Hill Residence</u>		Distribution Date: <u>11/12/99</u>	
Project Type And Number: <u>HRP(LAm) 99-0019</u>			
Project Description: <u>See Review Cycle</u>			
Project Location: <u>3502 Jackdaw St</u>			
Related Projects: <u>HRP 90-0895 / RZ 88-0742</u>			
Project Manager: <u>Leisa Lukes</u>	Phone Number: <u>533-10192</u>	Fax Number: <u>(619) 533-5924</u>	E-mail Address:
Community Plan: <u>Uptown</u>	Council District: <u>2</u>		
Existing Zone: <u>R1-5000</u>	Proposed Zone: <u>-</u>	Building Height: <u>-</u>	Number Of Stories: <u>-</u>
FAR: <u>-</u>			
Committee Recommendations (To Be Completed For Initial Review)			

Vote to Approve	Members Yes	Members No	Members Abstain
Vote to Approve With Conditions Listed Below	Members Yes: <u>5</u>	Members No: <u>2</u>	Members Abstain: <u>4</u>
Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
Vote to Deny	Members Yes	Members No	Members Abstain
No Action (Please Specify, E.G. Need Further Information, Split Vote, Lack Of Quorum)			<input type="checkbox"/> Continued

Conditions:

- Partial vacation only (per city planner's recommendation)
- no construction permitted outside of existing foot print
- Maintain public view corridor along Walnut St.

[Note that majority of quorum did not approve motion.]

Name: <u>Robert A. Grinclud</u>	Title: <u>Departing Chair</u>
Signature: <u>[Signature]</u>	Date: <u>4-19-99</u>

Attach Additional Pages If Necessary.
 Please Return No Later Than The End Of The Public Review Period For The Environmental Document To:
 Project Manager
 City Of San Diego
 Development Services
 1222 First Avenue, MS 302
 San Diego, CA 92101

UPTOWN COMMUNITY PLANNERS MINUTES
October 3, 2000

Members Present: Bonn, Elrod, Epley, Ferrier, Gabriel, Gardner, Grinchuk, Hyde, Kapsa, Sachs, Scott, Simon and Singleton

I. INTRODUCTORY ITEMS

- A. Introductions: de la Houssaye and Gunter excused.
- B. Agenda: Adopted by consensus after the following motion made by D. Scott and seconded by Jay Hyde:

MOTION

Item IV B, Mid-City Development Permit at Juniper St. & First Ave. shall be sent to the Early Review subcommittee before coming to this Committee and shall not be heard tonight.

MOTION PASSED: FOR: 8 AGAINST: 3 ABSTAIN: 1

The Early Review subcommittee members are: Bonn, Epley, Ferrier, Gabriel, Grinchuk, Hyde, Sachs, Scott.

- C. Minutes of September meeting: Approved.
- D. Treasurer's Report:
 Checking Account: \$362.02
 Canyon Account: \$542.19
- E. Chairs Report:

- 1. The Chair is seeking suggestions of how to inform neighbors of applicants about our meeting with enough notice.

II. PUBLIC COMMUNICATIONS

- A. District 2 - Council Member Byron Wear - Roddy Alvar - no report.
- B. District 3 - Council Member Christine Kehoe - Jeffrey Tom.
 - 1. The dedication of the Hillcrest median improvement will be on Friday, Oct. 27 at 11 a.m. in front of the Healthy Back Store.
 - 2. Sixth Ave. between Upas and 163 off ramp is being repaired.
 - 3. The Historical Resources Board has designated SR 163 through Balboa Park as an historical resource.
- C. Other City Representatives/Community Members - concerned voiced that the city council members were ignoring input in some of their votes of late.

III. REPORTS (Taken out of order, after IV, then postponed to next meeting due to lack of time.)

IV. ITEMS FOR ACTION (Taken out of order, before III.)

- A. Advisory Review - Spruce Street pedestrian bridge: N. Ferrier moved, E. Bonn seconded:

MOTION

Uptown Planners recommend approval of an ordinance to close the Spruce St. bridge from 10 p.m. to 6:00 a.m.; and if the City needs to enforce the ordinance through physical change to the bridge, that it be brought before the Uptown Planners.

MOTION PASSED: FOR: 12 AGAINST: 0 ABSTAIN: 1

- B. Postponed: See motion in I.B. above.
- C. Advisory Review - CUP for an Emergency/Overnight Shelter at 3427 4th Ave. I. Epley moved; D. Scott seconded, and A. Sachs recused himself from discussion and vote:

MOTION

Uptown Planners will hear item IV.C. as an advisory review subject to hearing any comments at the November meeting from neighbors of the project who had not received timely notice of the October meeting.

MOTION PASSED: FOR: 11 AGAINST: 0 ABSTAIN: 1

N. Ferrier moved, M. Singleton seconded, and A. Sachs recused himself from discussion and vote:
MOTION

Uptown Planners recommend approval of the CUP as presented with the provisions that the CUP be tied to the applicant, and that the meeting room of the facility be made available to community groups on a reservation basis.

MOTION PASSED: FOR: 10 AGAINST: 0 ABSTAIN: 2

* D. Advisory Review - Street vacation - Hill Residence at 3502 Jackdaw St. D. Scott moved and A. Sachs seconded:

MOTION

* Uptown Planners recommend denial of the application for a street vacation at 3502 Jackdaw St.

MOTION PASSED: FOR: 5 AGAINST: 3 ABSTAIN: 1

E. Advisory Review - Neighborhood Development Permit for 4394 Arcadia Dr. R. Elrod moved and N. Ferrier seconded:

MOTION

That item IV.E be continued to the next meeting.

MOTION PASSED: FOR: 13 AGAINST: 0 ABSTAIN: 0

F. Advisory Review: Site Development Permit, etc. at 906 W. Lewis St. J. Gabriel moved and R. Elrod seconded:

MOTION

Uptown Planners recommend support of the project and requested variances at 906 W. Lewis St. in concept only pending receipt of the assessment letter and with the condition that the front street wall be articulated and open.

MOTION PASSED: FOR: 10 AGAINST: 2 ABSTAIN: 1

G. Advisory Review: Neighborhood Use Permit - 1236 University Ave. Tabled due to failure to show.

H. Information Item - Episcopal Services at 2822 Fifth Ave., Jonathan Hunter spoke about the plans of the Episcopal Services to occupy this site across from the Cathedral. The Advisory Review item concerning St. Paul's Cathedral was tabled to next month.

I. Advisory Review: Street Vacation of Palm St. A. Sachs moved and R. Elrod seconded:

MOTION

Uptown Planners recommend approval of the requested Street Vacation of Palm Street adjacent to 2905 Union.

MOTION PASSED: FOR: 6 AGAINST: 1 ABSTAIN: 3

J. Advisory Review: Partial Street Vacation at 1847 Puterbaugh. J. Hyde moved and W. Simon seconded:
MOTION

Uptown Planners recommend approval of the applicants' at 1847 Puterbaugh request for a 15 ft. partial street vacation at 1847 Puterbaugh.

MOTION PASSED: FOR: 7 AGAINST: 1 ABSTAIN: 2

V. ADJOURNMENT

Respectfully submitted,

Marilee Kapsa

UPTOWN COMMUNITY PLANNERS MINUTES
April 3, 2001

Members Present: Bonn, de la Houssaye, Elrod, Epley, Ferrier, Gabriel, Gardner, Gunter, Hyde, Kapsa, Sachs, Scott, Simon and Singleton

I. INTRODUCTORY ITEMS

- A. Parliamentary: Grinchuk absent.
- B. Agenda: Adopted by consensus.
- C. Minutes of March meeting: Adopted by consensus.
- D. Treasurer's Report:
 Checking Account: \$468.38
 Canyon Account: \$545.89
- E. Chairs Report:
 1. The Planners had a retreat on Saturday and revised several schedules and deadlines: to get on the agenda, projects have to be in to Ian by the last Tuesday of the month, time limits for presentations will be 5 - 10 min., discussion 10 - 15 min. Notice to neighbors, etc. will be improved and other proposed housekeeping was discussed. The agenda will be adjusted to make better use of our time.
 2. The list of proposed street lights is available - John Latimer will organize a meeting to go over the list with those interested. The list of proposed tree removals for District 2 & 3 is also available.
 3. Information regarding COMPACT - meeting the 3rd Tuesday of the month, was given to Paul.
 4. The 4th project assessment letter for Park Laurel was received.
 5. The newest assessment letter for Capri has also been received.
 6. The chair presented a recognition plaque to Doug Scott on behalf of the Airport Noise Advisory Committee.

II. PUBLIC COMMUNICATIONS

- A. *District 2 - No report.*
- B. *District 3 - Council Member Toni Atkins - John Latimer: 1) The Park Laurel project will be before the Planning Commission on Thursday, Item 18; 2) At the UH Community Assoc. meeting this Thursday a budget forum with Council Members Wear and Atkins, and the City Manager will be held, starting at 7 p.m. in the Birney School auditorium; 3) The Strategic Framework Forum will be held on April 30 at 6:30 p.m. at Our Lady of the Sacred Heart, 4177 Marlboro Ave. The Mayor will be in attendance.*
- C. *Council Member Susan Davis - Todd Gloria: 1) Susan will spend the entire day in Hillcrest on June 2 at the Hillcrest Neighborhood Day; 2) The Social Security Town Hall Meeting will be held at the Senior Center on College Ave. in April; 3) They are in the process of taking appropriations requests.*
- D. *Other Public Communications.*
 - Sewer Project: Dove Canyon is at 75% design stage, scheduled to start in December 2001, will take piping out of the canyon.*
 - Hillcrest Association: Taste of Uptown will be held Saturday, April 21. Tickets will be \$20 and will be available at the CA Bank & Trust parking lot - everyone is invited.*
 - Uptown Parking District: 1) An extension of the beautification of University St. is being looked at between Richmond and Herbert. A signal light at University & Normal will be needed, so urging that that light be put higher up on the priority list; 2) Regarding the PDO, Uptown Partnership would like to work with Uptown Planners on it.*
 - University Heights Community Association: Zoning meeting will be held April 12 at 6:30 at the Safe Street Now offices; call 297-3166 to get more information.*
 - Balboa Park: The Zoo is also looking at possible parking structures at Robinson exit from I 8 and under the Spanish Village.*

III. ITEMS FOR ACTION

- A. Information Item: Presentation was made by Ted Anasis of The Port Authority concerning the Lindbergh Airport Expansion plans. They are working jointly with SANDAG to prepare the ATAP - Air Transportation Action Program - on the 1st Thursday of the month at 1:30p.m. They will come back to us regularly, also after the release of the draft EIR, which Ted will make sure we have. The Design Committee of Mission Hills will meet to talk about the comments.
- B. Information Item - #41-0088: Presentation made by the developers and architects of Capri for proposed additional density; this will go before the Urban Design (formerly Land Use) subcommittee on April 16, at 4:30 at Ian's office.
- C. Advisory Review - #99-0019: Street Vacation, Hill Residence. Continued by affirmation to allow the applicant to go back to the city and investigate why their prior request for an encroachment was denied. Applicant is willing to execute a deed restriction as part of the vacation. Myles will assist applicant.
- D. Advisory Review - #40-0680 - Diaz Residence - Applicant failed to appear.
- E. Advisory Review - #SA 00-547 (Process 5) Street Vacation Linwood St. at Old Town Avenue. R. Elrod moved and J. Gabriel seconded:

MOTION

Uptown Planners recommend approval of the street vacation of a portion of Linwood St. where it intersects with Old Town Ave as presented to the board by the applicant.

MOTION FAILED: FOR: 4 AGAINST: 9 ABSTAIN: 0

- F. Advisory Review - #41-0013 (Process 3) - Branan Residence - Applicant failed to appear.

IV. SUBCOMMITTEE REPORTS

- A. Urban Design (Old Land Use) - incorporated into Chair's report
- B. Historic Resources - meeting with Angeles and HRB to include North Park for discussion on preservation concerns; subcommittee to be formed - Ernie, Doug and Alex.
- C. PDO Update - Ian, Bob, Mike, Doug, David, and Ernie or Alex will constitute our representatives to the Beth Murray, North Park and Uptown PDO "working" group. Alternates will be Paul, Jeffrey Tom, Jim, Jay, Mary or Leo, Jim or Kathleen Kelly Markham. This was approved on a voice vote.

V. 2001 ELECTIONS - The following officers were unanimously elected:

President: Ian Epley
 Vice President: Alex Sachs
 Secretary: Marilee Kapsa
 Treasurer & Time Keeper: Neil Ferrier

VI. ADJOURNMENT

Respectfully submitted,

Marilee Kapsa

000303

UPTOWN COMMUNITY PLANNERS MINUTES

ATTACHMENT 16

May 1, 2001

Members Present: Bonn, de la Houssaye, Epley, Ferrier, Gabriel, Gardner, Grinchuk, Hyde, Kapsa, Sachs, Simon and Singleton

I. INTRODUCTORY ITEMS

- A. Parliamentary: Elrod, Gunter & Scott absent.
- B. Agenda: Adopted by consensus with the following changes: III. C. dropped; III. D. CUP S.D. Housing Commission at 2822 5th added, III. E. Dahl residence added, III. F. EIR Comments to ITC Project added, III. G. Historic dates, sidewalk stamps, concrete replacement added.
- C. Minutes of April meeting: Adopted by consensus with minor correction.
- D. Treasurer's Report:
 - Checking Account: \$468.38
 - Canyon Account: \$546.31
- E. Chairs Report:
 1. The Strategic Framework meeting went well - notes will be on the website: sannet.gov click at planning dept.
 2. The list of proposed members of the joint subcommittee to look at the PDO has been forwarded.
 3. On 5/4 in the County Admin. offices, Rm 310 before the Bd of Supervisors, public hearings reapportionment for state legislative elections begin.
 4. Regarding the city redistricting Commission hearing dates, A. Sachs will follow and inform us. Discussion reaffirmed that communities of interest should be kept together, such as Hillcrest and No. Park.
 5. The Balboa Park Collaborative general meeting will be held on May 8 at 5:15 p.m. in the Santa Fe Room in Balboa Park Club.
 6. A street vacation on Sunset & Arista will come before us next month.

II. PUBLIC COMMUNICATIONS

- A. District 2 - Council Member Byron Wear - Don Giaquinto introduced himself. He is taking over from Roddy Alvaras representative to our committee.
- B. District 3 - Council Member Toni Atkins - John Latimer: 1) Bricks & Mortar monies of 11 to 12 Mil \$ have been allocated. 70K to the Hillcrest Association for the next phase of University Ave. median project, mid-block street lights, sidewalk replacements with owner contributing only 1/4 cost are some of the other projects funded; 2) Pedestrian safety along university was looked at; 3) Hillcrest clean-up will be held Sat. May 12 at 9 a.m., meet at Univ. & Normal.
- C. Mayor Dick Murphy - Tatiana Casavantes introduced herself as newly appointed representative to our committee.
- D. Congress Woman Susan Davis - Caridad Sanchez: 1) Susan will spend the entire day in Hillcrest on June 2 at the Hillcrest Neighborhood Day; 2) On June 30 she will be in Mission Hills.
- E. Other Public Communications:
 - Bob Grinchuk announced that Warren Simon has just completed SDSU's Community Economic Development Program.
 - Uptown Parking District: 1) The stoplight list is with Ernie; she will work with Jeffrey Tom on it and the proposed stoplight at Univ. & Normal. 2) The pedestrian scramble test in Gas Lamp (4th & E) was successful. The funds for one at Univ. & 5th have been voted - hopefully will be activated by the end of the year.
 - Balboa Park: On May 17 at 5:30 at the Zoo the Zoo will present its new plan. The cultural leaseholds are making a try to see if they can be in charge of development in the park.

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Hillcrest Association: The Greater Chamber of Commerce in a city wide energy forum will try to find relief for small businesses.

Schools: It is anticipated that an additional 50 students will be bused to Birney. E. Bonn moved and M. Singleton seconded:

MOTION

Uptown Planners support the Safe Route to Schools Grant being submitted by the City of San Diego for Birney Elementary School located at 4345 Campus.

MOTION PASSED: FOR: 12 AGAINST: 0 ABSTAIN: 0

CPC: 1) Ground has been broken for the trolley extension connecting the yellow line to the red line, 2) On May 23 the volunteer recognition event will take place in Balboa Park, 3) names for the COW training on June 9 at Alvarado Treatment Plant sent in to Laura Evans, 4) the Planning Dept. has been directed to amend city code to introduce minimum density requirements in non-PDO communities for multi-family units.

Sewer & Water Groups 680 & 681: Both will begin next spring and will be coordinated. The size of the project involving most of Park West is a concern. The project will start at the southern portion and go north. It is now at about 30% planning, they will come back to us at about 75%, rather than the usual 90%. Members request a questionnaire be sent to residents to find out what they want regarding night vs. day work.

Stop Mission Hills No. Terminal Group: Response to EIR is due tomorrow.

III. ITEMS FOR ACTION

A. Advisory Review, #41-0013(Process 3) - Side yard set back variance, 4256 Sierra Vista. A. Sachs moved and N. Ferrier seconded:

MOTION

Uptown Planners recommend approval for the requested variance of the side-yard set back at 4256 Sierra Vista.

MOTION PASSED: FOR: 10 AGAINST: 2 ABSTAIN: 0

B. Advisory Review - #40-0686: Withdrawn.

C. Advisory Review - #99-0019(Process 5): Street Vacation, Hill Residence. J. Gabriel moved and E. Bonn seconded:

MOTION

Uptown Planners recommend the extension of an existing 15" wide ERA permit to include existing improvements for wood stairs, terraces and trees, including continued maintenance, for areas south of the property at 3502 Jackdaw St. with no further improvements or access restrictions.

MOTION PASSED: FOR: 11 AGAINST: 0 ABSTAIN: 1

D. Advisory Review - S.D. Housing Commission purchase of property at 2822 Fifth Ave. Bob

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ATTACHMENT 16

Grinchuk recused from the discussion and vote. N. Ferrier moved and A. Sachs seconded:

MOTION

Uptown Planners recommend approval of the purchase of the property at 2822 Fifth Ave. by the San Diego Housing Commission. Uptown Planners reserve the right to comment on any request to amend the current CUP if and when it occurs.

MOTION PASSED: FOR: 11 AGAINST: 0 ABSTAIN: 0

- E. Advisory Review - #41-0184(Process 3) - variance for rear-yard set back - 3754 Vermont St. , Dahl Residence - motion to continue to next month was unanimously passed.
- F. Pacific Highway Intermodal Transportation Center EIR - proposed letter to Melissa Mailander, the Environmental Review Coordination for the Port District. Two corrections were proposed. J. Gabriel moved and P. de la Houssaye seconded:

MOTION

Uptown Planners authorize Mike Singleton to forward the attached letter regarding review comments of the Intermodal Transit Center EIR to the Port District.

MOTION FAILED: FOR: 8 AGAINST: 2 ABSTAIN: 0

- G. New Concrete Replacement Performance Requirements - proposed specifications adding provisions for historic dates, concrete color standards and contractor stamps were reviewed by the committee. M. Singleton moved and J. Gabriel seconded:

MOTION

Uptown Planners approve the letter requesting that MWWD either adopt these suggested specifications or propose similar specifications that address these concerns.

MOTION FAILED: FOR: 10 AGAINST: 0 ABSTAIN: 0

IV. SUBCOMMITTEE REPORTS

- A. *Urban Design - Capri project - will go back & look at the western side of the building which is not acceptable, the additional 11 units brings up the need for re-zoning for affordable housing. Myles will meet them tomorrow & inform Ian of the outcome. Questions - what do we want that street to be - should the Egyptian theme be exclusionary?*
- B. *Historic Resources - 1) Preservation awards will be May 11 at 5:30 at the El Cortez. 2) CA Preservation annual meeting is May 17-20, 2001, 3) on May 24, at 6:30 in the Inn Suites Hotel, 2223 El Cajon Blvd., Jim Newland, State Historian will present a lecture and slides on the development of East San Diego, highlighting the History of No. Park and University Heights.*
- C. *PDO Update - no report.*

VI. ADJOURNMENT

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ATTACHMENT 17

OWNERSHIP DISCLOSURE STATEMENT

STEVEN M. HILL AND SANDI M. HILL

HILL RESIDENCE
PROJECT CHRONOLOGY
 PTS # 15355 JO# 99-0019

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Date	Action	Description	City Review	Applicant Response
1-5-1999	Project Complete, First Submittal	Staff Review – First Cycle - Assessment Letter	End 2-5-1999 30 days	460 days
5-15-2000	First Resubmittal	Staff Review – Second Cycle – Assessment Letter	End 6-30-00 45 days	344 days
6-8-2001	Second Resubmittal	Staff Review – Third Cycle – Assessment Letter– All Issues Resolved	End 7-15-01 37 days	683 days
4-21-05	First Public Hearing	Project Decision – Planning Commission	683 days	
	CITY REVIEW			
			795 days	1487 days

<i>Total Staff Time (Average at 30 days per month): 26 months, 15 days</i>	
<i>Total Applicant Time (Average at 30 days per month): 49 months, 15 days</i>	
<i>Total Project Running Time (Years/Months/Days): 5 years, 3 months</i>	

ATTACHMENT 1.3

separating the lot from the streets on both frontages except where the right of vehicular access has been waived to one of the streets as required by a governmental agency, the line separating the lot from this street becomes the rear property line.

(Amended 8-25-66 by O-9488 N.S.)

§ 101.0101.24 Grade

Grade is the elevation of the surface of the ground of a premises, pre-existing or finished, whichever is lower in elevation.

Pre-existing grade is the ground elevation of a premises which existed prior to modifications for development or redevelopment. Reference to the grade on adjacent properties may be utilized to assist in establishing pre-existing grade when the presence of said grade is not readily apparent on the subject premises.

Finished grade is the elevation that will exist when all cut, fill or improvements, including but not limited to, pathways, pavements, hardscape or landscaping, are complete.

(New Section — Grade — added 3-4-91 by O-17605 N.S.)

§ 101.0101.25 Gross Floor Area

Gross Floor Area is the total horizontal square footage of existing, proposed or potential floors of building(s) or portion thereof, included within the exterior surface of the surrounding exterior walls. The Gross Floor Area is calculated in relationship to the structure and GRADE (Section 101.0101.24) adjacent to the exterior walls of a building.

Gross Floor Area shall also include:

A. ATRIUMS (Section 101.0101.97); provided, however, that in commercial and industrial zones, only proposed or existing floors shall be included in the calculation of gross floor area.

B. BASEMENTS except as defined by Section 101.0101.68.

ILLUSTRATION "A" of Section 101.0101.25 Paragraph B GROSS FLOOR AREA

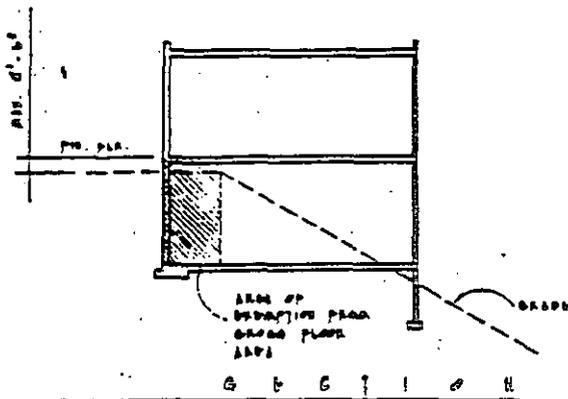


ILLUSTRATION "B" of Section 101.0101.25 Paragraph B

BASEMENT/GROSS FLOOR AREA ATTACHMENT 19

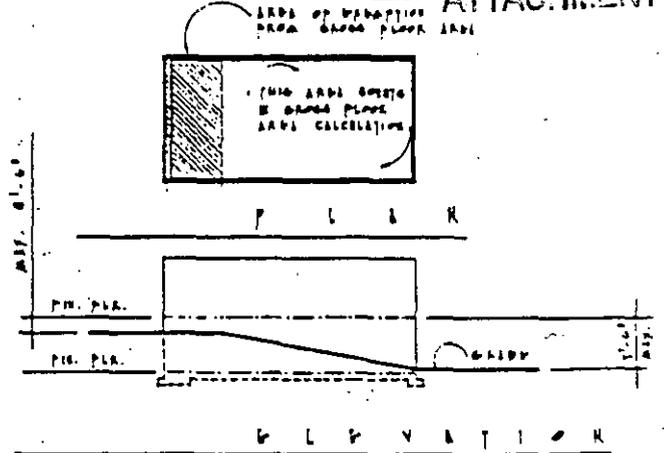
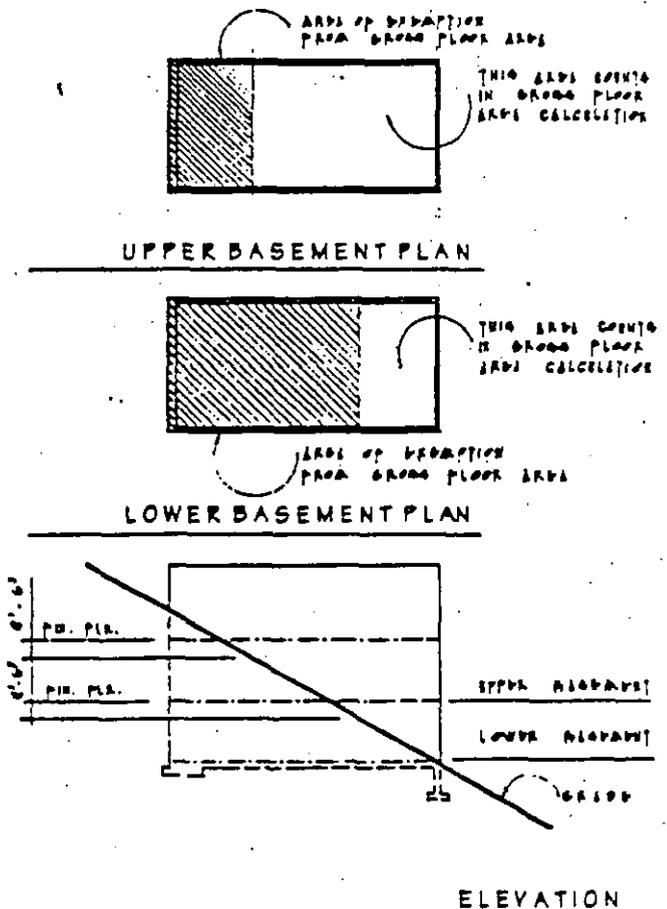


ILLUSTRATION "C" of Section 101.0101.25 Paragraph B

DOUBLE BASEMENTS



C. Enclosed exterior stairwells, and enclosed exterior elevator shafts.

D. Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported stairways, and sun shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

E. FIRST-STORIES as defined in Section 101.0101.64.

F. HALF-STORIES (ATTICS), except as speci-

cally excluded by the provisions of Section 101.0101.65.

G. Interior shafts such as elevator shafts, ventilation shafts, and other similar vertical shafts, interior stairwells, ramps and mechanical equipment rooms. Gross floor area shall include the horizontal projection of each floor in plan view served by the elevator, shaft, stairwell or ramp.

H. On or above-grade (per Section 101.0101.24) parking structures, garages, and carports containing three or more surfaces. Surfaces shall mean any floor, wall, door, or roof associated with the carport structure. However, any wall or roof, which is more than 75 percent completely open, shall not be considered a surface for purposes of this definition.

ILLUSTRATION "D" of Section 101.0101.25 Paragraph H. CARPORTS

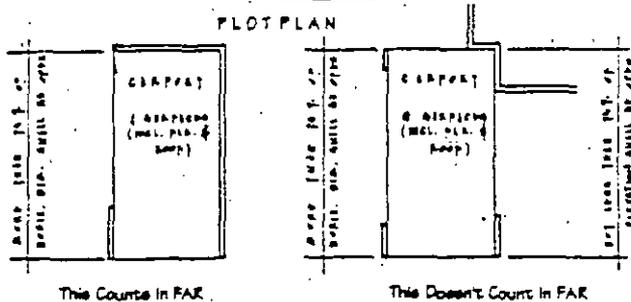


ILLUSTRATION "F" of Section 101.0101.25 Paragraph I.1. POTENTIAL FLOOR

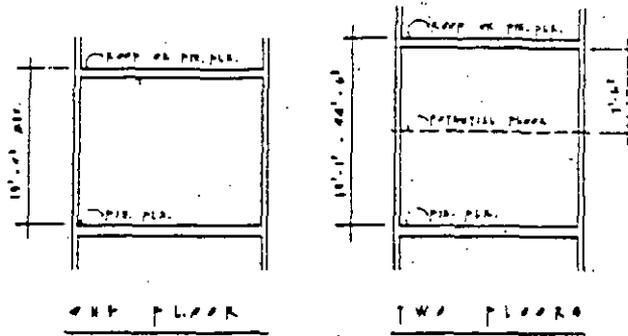
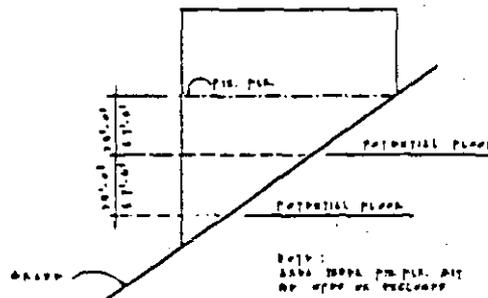


ILLUSTRATION "G" of Section 101.0101.25 Paragraph I.1. POTENTIAL FLOOR



I. POTENTIAL FLOORS. Gross floor area shall include any extended floor area and other potential floors which may be used as habitable floor area. These floors shall be calculated by the horizontal projection of an adjacent floor(s) or shall be based on minimum vertical height necessary to accommodate a floor, defined as follows:

1. Residential Zones or for residential development. For purposes of defining minimum vertical height, the height between finished floors, or the height between a finished floor and the highest point of the finished roof shall not exceed 15 feet. Any such height exceeding 15 feet shall be considered to be more than one floor for purposes of calculating gross floor area. Each seven-foot, six-inch increment, or portion thereof, of height above the 15-foot height shall be counted as an additional floor.

2. Under Floor Area. For sloping lots with a minimum slope of five percent, a floor shall be calculated for each minimum five-foot area and maximum seven-foot, six-inch area increment or portion thereof, of vertical height between grade and the finished floor above.

3. Interior Balconies, Mezzanines and Lofts. For single-family residential zones a floor shall be calculated by a horizontal projection of a plane where the vertical distance between the floor of the interior balcony, mezzanine or loft and the surface of the floor or the highest point of the finished roof immediately above exceeds seven feet, six inches.

ILLUSTRATION "E" of Section 101.0101.25 Paragraph I.1. POTENTIAL FLOOR

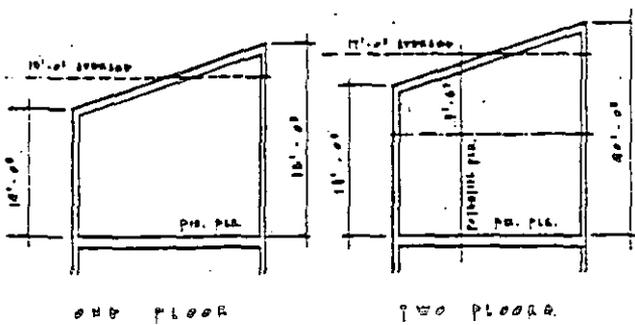
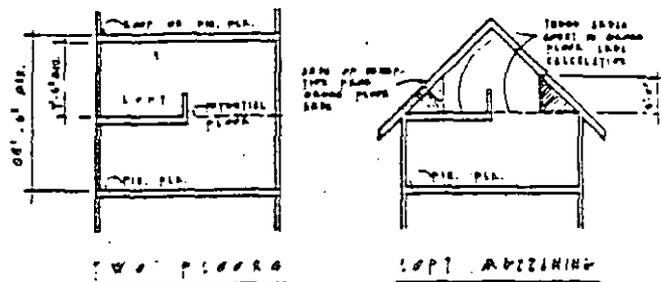


ILLUSTRATION "H" of Section 101.0101.25 Paragraph I.5. INTERIOR BALCONIES, MEZZANINES & LOFTS



J. Penthouses (Section 101.0101.71), except as specifically excluded by the provisions of Section 101.0101.62 HEIGHT (BUILDING).

K. ROOF DECK except as specifically excluded by the provisions of Section 101.0101.99.

L. UNDERGROUND PARKING STRUCTURES (Section 101.0101.48); those portions where at any point a vertical distance between the surface of the floor immediately above GRADE (Section 101.0101.24), is more than two feet, six inches. An opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and 25 feet for industrial zones, is excepted from the determination of grade, provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.

GROSS FLOOR AREA shall not include those areas occupied by the following:

M. INTERIOR COURTS (Section 101.0101.98).

N. SOLAR SYSTEMS as defined in Section 101.1202.

O. ARCHITECTURAL PROJECTIONS. Buttresses, pilasters, wing walls and similar architectural embellishments are not included within the exterior surface or the surrounding exterior walls; provided, however, that the total volume of said architectural embellishments shall not exceed an average of three inches added to the total exterior surface of the surrounding exterior walls.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.26 Group Dwellings

Two or more dwellings used or designed to be used for housing three or more families on the same lot or premises.

(Amended 1-28-64 by O-8958 N.S.; formerly Sec. 101.0101.21)

§ 101.0101.27 GUEST shall mean the same as LODGER.

(Amended 1-28-64 by O-8958 N.S.)

§ 101.0101.28 Guest Quarters

Living quarters located on the same premises with the primary dwelling unit or attached to the main portion of the primary dwelling unit for the sole use of persons employed on the premises, members of the family living in the primary dwelling unit or attached to the main portion of the primary dwelling unit or for temporary use by guests of the family living on the premises. Such quarters shall have no kitchen and shall not be rented or leased or otherwise used as a separate dwelling.

(Amended 11-6-78 by O-12479 N.S.)

§ 101.0101.29 Guest Room

Any rented or leased room which is used or designed to provide sleeping accommodations for one or more guests in apartments; hotels, motels, private clubs, lodges and fraternal organizations. In a suite of rooms, each room that provides access to a common hall or direct access to the outside area

shall be considered as one guest room. ATTACHMENT 19
(Amended 11-28-67 by O-9716 N.S.)

§ 101.0101.30 Hotel

Any building containing six (6) or more guest rooms used or designed to be used for sleeping purposes by guests. Hotel does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

(Amended 1-28-64 by O-8958 N.S.)

§ 101.0101.30.1 Junkyard

Any premises on which any of the items listed below, or any items similar to those listed below, are placed outside a legally installed, fully enclosed and roofed building, except as specifically referenced and clearly permitted by applicable zone or district regulations, or by a Conditional Use or other Permit issued pursuant to Chapter X of this Code.

A. Inoperable vehicles.

B. Used vehicle or equipment parts.

C. Used equipment and appliances.

D. Equipment, fixtures, building materials or components, furniture, bedding, or other items which are dismantled or separated from usually contiguous components.

(Added 8-10-87 by O-16923 N.S.)

§ 101.0101.31 Kitchen

A room used or designed to be used for the preparation of food.

(Amended 1-28-64 by O-8958 N.S.)

§ 101.0101.32 Lodger

Any person hiring or occupying a room for living or sleeping purposes.

(Amended 1-28-64 by O-8958 N.S.)

§ 101.0101.32.1 Lodging House

Any building or portion thereof containing not more than five (5) guest rooms which are used by not more than two (2) guests per guest room.

(Added 11-16-65 by O-9316 N.S.; formerly under Sec. 101.0101.33.)

§ 101.0101.33 Private Clubs, Fraternal Organizations and Lodges

An association of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious (not a church), or recreational objective, but shall not include any group whose primary objective is a business usually or customarily carried on for a profit.

(Amended 11-16-65 by O-9316 N.S.; old Sec. 101.0101.33 Sec. 101.0101.32.1)

§ 101.0101.34 Lot

A parcel of land which meets any of the following requirements:

A. Individually designated with a number or letter on —

1. A subdivision or parcel map recorded with the County Recorder; or

2. A record of survey map approved by resolution of the City Council and recorded with the County Recorder after December 5, 1954; or

3. A division plat approved by and filed with the Planning Department.

B. Officially proclaimed as a suitable building site, or site for other particular use, by zone variance, Certificate of Compliance, or other San Diego Municipal Code procedure.

C. Held as separate parcel prior to December 5, 1954, and having a minimum of 15 feet of frontage on a dedicated street.

D. Held as a separate parcel upon annexation to the City of San Diego.

(Amended 5-11-77 by O-12065 N.S.)

§ 101.0101.35 Lot Coverage

That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than three feet above grade level, as defined in Section 101.0101.62 -- HEIGHT (BUILDING); provided, however, that the following shall be exempted:

A. Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, only supported exterior stairways and sun baffles or shades provided they:

1. Do not encroach into required yards.

2. Do not project more than six feet from the supporting structure.

3. Are constructed and maintained with not less than 40 percent of the vertical surface permanently open.

B. Roofed areas enclosed by no more than three exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.

C. Cornices, eaves and belt courses subject to limitations imposed by Section 101.0501, Paragraph 3.

D. Those portions of underground parking structures (Sec. 101.0101.48), first stories (Sec. 101.0101.64), basements (Sec. 101.0101.68), and cellars (Sec. 101.0101.69) lying partially above grade but not exceeding three feet above grade.

E. Those portions of solar systems (Sec. 101.1202) lying outside of the exterior faces of walls.

All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

(Amended 3-31-81 by O-15477 N.S.)

§ 101.0101.36 Lot Depth

The horizontal length of a straight line drawn

from the midpoint of the front property line of the lot to the midpoint of the rear property line.

(Added 1-28-64 by O-8958 N.S.)

§ 101.0101.37 Lot Width

The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.

(Added 1-28-64 by O-8958 N.S.)

§ 101.0101.38 Multiple Dwelling

A building used or designed to be used for housing three or more families, except apartment houses which have access to the family units from a common hall.

(Added 1-28-64 by O-8958 N.S.; formerly Sec. 101.0101.24)

§ 101.0101.39 Offstreet Parking Space

A clear area not located in a public street or alley, maintained exclusively for the parking of one standard passenger vehicle, and usable without moving another vehicle.

(Added 1-28-64 by O-8958 N.S.)

§ 101.0101.40 Premises

An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

(Added 1-28-64 by O-8958 N.S.)

§ 101.0101.40.1 Primary Dwelling Unit

A residential structure containing only one kitchen designed or used to house not more than one household.

(Added 9-12-83 by O-16035 N.S.)

§ 101.0101.41 Rear Property Line

A property line opposite and most distant from the front property line. For a triangular lot, the rear property line shall mean a line ten (10) feet in length within the lot parallel to the front property line, or parallel to the chord of a curved front property line, and at the maximum distance from it.

(Added 1-28-64 by O-8958 N.S.)

§ 101.0101.42 Residence District

(Repealed 3-21-68 by O-9782 N.S.)

§ 101.0101.43 Setback Line

The term "setback line," shall be deemed to mean a line running a certain distance back from and parallel with the front property line or line as otherwise established by ordinance, an approved final subdivision map, Record of Survey, or Division Plat, between which line and the front or other indicated property lines no building, structure, or portion thereof shall be permitted, erected, constructed, or placed, unless specifically permitted by this article. An eave or cornice projecting a maximum of four

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water profile of one foot. The natural flood water profile is the water surface elevation of a nonconfined 100-year frequency flood in the natural undeveloped floodplain.

(Added 5-3-73 by O-11054 N.S.)

§ 101.0101.59 Floodplain Fringe

All that land in a floodplain not lying within a delineated floodway. Land within a floodplain fringe is subject to inundation by relatively low velocity flows and shallow water depths.

(Added 5-3-73 by O-11054 N.S.)

§ 101.0101.60 100-Year Frequency Flood

A flood having an average of occurrence of once in 100 years as determined by a statistical analysis of stream flow records available for the watershed and analysis of rainfall and run-off characteristics in the general region of the watershed. The flood may actually occur in any year or there may be periods in excess of 100 years in which a flood of this magnitude would not occur.

(Added 5-3-73 by O-11054 N.S.)

§ 101.0101.61 Standard Project Flood

The flood that may be expected from a severe combination of meteorological and hydrological conditions that are considered reasonable characteristics of the geographical area in which the drainage basin is located, excluding extremely rare combinations. It is developed by the U.S. Army Corps of Engineers for use in planning for and designing flood control regulations and facilities.

(Added 5-3-73 by O-11054 N.S.)

§ 101.0101.62 Height (Building)

The height of a building or structure, including all structural appurtenances as used herein, shall be measured as the greatest vertical distance along a line between the highest part of the building or structure profile or its horizontal extension, or between the average height of a true mansard roof or between the average height of the highest gable of a pitch or hip roof, and finished grade at any point adjacent to, or five feet out from any building wall (or at the property line, whichever first occurs), whichever is lower in elevation, exclusive of retaining walls and/or slope rights on adjacent property or properties which may be used to alter preexisting grade. Where the average roof height is used to determine true building height, such roof height shall be limited to a maximum of ten feet. Any roof height in excess of ten feet shall be fully included in determining the height of said building.

Provided, however, that for parcels which slope downward from a dedicated public right-of-way, whenever the natural grade elevation difference between the average of the grade along the front yard setback line and the average elevation of the grade along the rearmost building or structure wall exceeds a slope of 1.5:1, one foot vertical rise in 1.5

feet of horizontal distance, the building or structure height may be measured vertically along the rearmost building or structure wall, rather than five feet out from the wall.

In the cases where retaining walls or slope rights are utilized to create finished grade higher in elevation than preexisting grade, then preexisting grade shall be used in the determination of building or structure height. Preexisting grade is defined as the ground level elevation which existed prior to any site preparation related to, or to be incorporated into, the proposed new development or alteration.

As used herein, building or structure shall not include solar systems (Sec. 101.1202) which do not exceed six feet above any permitted height, utility poles, or electrical transmission towers.

As used herein, building or structure shall include such structural appurtenances as parapets; safety guardrails other than the type specified below; elevator shaft and stairwell enclosures not meeting the specified criteria below; chimneys, vents, stacks, or ducts exceeding twelve square feet in any one plane; other mechanical equipment and related screening; and similar features. Items not included as structural appurtenances nor in any determination of the height of a building or structure are television and radio reception antennae; flagstaves; chimneys, vents, stacks, or ducts not exceeding twelve square feet in any one plane; open safety guardrails which are not higher than forty-two inches above a roofline, which contain vertical elements no greater than two inches square in cross section and no closer than four inches apart; and elevator shaft or stairwell enclosures above a building roofline and meeting the following criteria:

1. The enclosure must be used exclusively for housing elevator mechanical equipment or stairs;
2. The height of enclosures above the roofline is no more than thirteen feet for an elevator shaft nor more than nine feet for a stairwell;
3. The total plan area of an enclosure or enclosures is not more than the ten percent of the roof plan area of the building.

(Amended 3-31-81 by O-15477 N.S.)

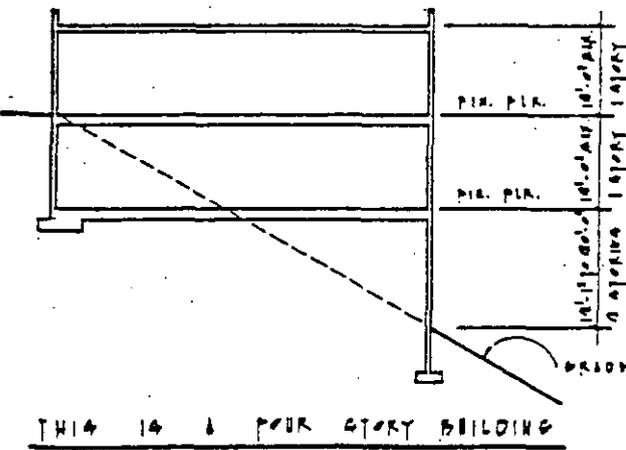
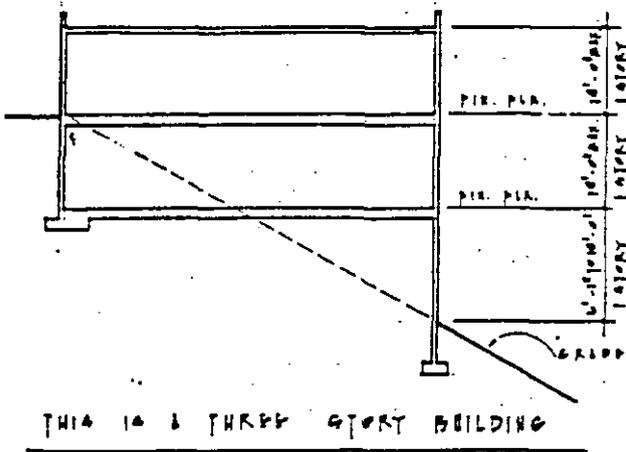
§ 101.0101.63 Story

Story is the area between finished floors, the area between finished floor and finished roof and the area between GRADE (Section 101.0101.24) and finished floor.

Story shall mean that portion of a building included between the finished surfaces of any two consecutive floors. The topmost story shall be that portion of a building included between the finished floor and the surface of the peak of the roof above. For the purpose of establishing yard setbacks by story, the maximum vertical height of one-story shall be 12 feet; provided, however that any story exceeding 12 feet but not exceeding 20 feet in vertical height shall be considered two stories, with each additional 10 feet or portion thereof of floor to floor vertical height or floor to peak of the roof vertical

height counting as an additional story. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above such grade as defined herein at any point, such usable or unused underfloor space shall be considered a story. Any such area, 12 feet to 20 feet in vertical height above grade, shall be counted as two stories; with any additional 10-foot increment or portion thereof counting as an additional story.

ILLUSTRATION "A" of Section 101.0101.63
STORY



Story shall include:

A. HALF-STORY (ATTIC) except as specifically excluded by the provisions of Section 101.0101.65.

B. UNDERGROUND PARKING GARAGE (Section 101.0101.48), or BASEMENT (Section 101.0101.68) which has a vertical distance, at any point, of six feet or greater, between the lower of pre-existing or finished grade (as defined in Section 101.0101.24) and the surface of the floor next above. An on-grade opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and

25 feet for industrial zones is excepted from the determination of grade, provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.

C. PENTHOUSE (Section 101.0101.71), except as specifically excepted by the provisions of Section 101.0101.62 HEIGHT (BUILDING).

D. ROOF DECK (Section 101.0101.99) except where specifically excluded.

E. A detached/attached one-story accessory building not used for living purposes covered in Section 101.0601 may not exceed 10 feet in height for flat roofs and 12 feet in height for peaked roofs.

For purposes of determining incremental yard requirements based on stories, the provision of Section 101.0101.70 INCREMENTAL YARDS shall be utilized.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.64 Story, First

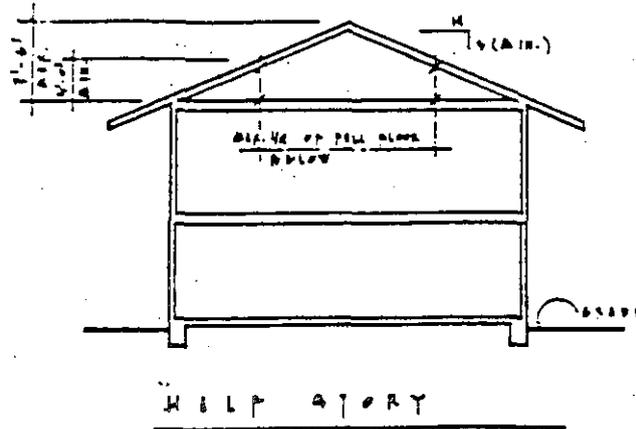
First story shall mean the lowest story or ground story of any building, the floor of which is not more than two feet, six inches above GRADE (Section 101.0101.24) measured to the finished surface of said floor.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.65 Story, Half (Attic)

Half-story shall mean an area under a peaked roof with a minimum pitch from eave to peak of approximately 3:12 (three feet vertical to twelve feet horizontal) and has a height less than seven feet, six inches, at any point from finished floor to the finished roof above and has a floor area not in excess of one-half of the floor area of the first full story below.

ILLUSTRATION "A" of Section 101.0101.65
HALF-STORY



Any half story with a mansard or similar roof is considered a full story. A half-story which utilizes DORMERS (Section 101.0101.88) projecting from the sloping roof of said half-story shall be considered a full-story, except as exempted by Section

101.0101.88, DORMER. A half-story which has a vertical height of seven feet, six inches or greater measured from the finished floor to the peak of the finished roof above shall be considered to be a full story (as defined in Section 101.0101.63 STORY) for purposes of determining GROSS FLOOR AREA (Section 101.0101.25) and incremental yard requirements as defined in INCREMENTAL YARDS (Section 101.0101.70).

When the proposed floor area exceeds one-half of the floor situated immediately below, the area shall be deemed as a story and the entire floor area of such shall be included as GROSS FLOOR AREA (Section 101.0101.25).

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.65.1 Vehicle, Operable

A self-propelled motor vehicle immediately capable of being driven upon the highways in conformity with the requirements of the California Vehicle Code (including self-propelled recreational vehicles with such capability). Usable vehicle shall mean the same as operable vehicle.

(Added 8-10-87 by O-16923 N.S.)

§ 101.0101.66 Mezzanine (Interior Balcony)

(Repealed 3-4-91 by O-17605 N.S.)

§ 101.0101.67 Balcony, Exterior

A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior supporting wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area.

(Added 10-8-75 by O-11697 N.S.)

§ 101.0101.68 Basement Cellar

A building area which is wholly or partially below grade so that the vertical distance between GRADE (Section 101.0101.24) and the finished floor immediately above, at any point, is no greater than two feet, six inches.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.69 Cellar

(Repealed 3-4-91 by O-17605 N.S.)

§ 101.0101.70 Incremental Yards

Incremental or sliding-scale yards, required by certain sections of this chapter, are directly related to increases, by story, in building height and are correspondingly increased in horizontal width, depth, or length as yards are required by the provisions of this Chapter.

For purposes of determining incremental yard requirements, the maximum distance measured from grade to finished floor height before said area

is counted as a story shall be two feet, six inches for a flat lot and six feet for a maximum of 50 percent of the perimeter on a minimum 5 percent sloping lot. The maximum grade to finished floor or finished floor to finished floor or finished floor to finished peak of the roof shall be 12 feet. Any such area of 12 feet but not exceeding 20 feet in height shall be counted as two stories, with each additional 10 feet or portion thereof counting as an additional story.

A HALF-STORY not in compliance with the provisions of Section 101.0101.65 HALF-STORY shall be considered to be a story for purposes of computing incremental yard requirements.

An UNDERGROUND PARKING STRUCTURE (Section 101.0101.48) and BASEMENT (Section 101.0101.68) shall be considered to be a story for purposes of computing incremental yard requirements if any portion exceeds a vertical height of six feet measured on the exterior of the building from grade to finished floor immediately above. An opening for vehicular access not to exceed a maximum width of 16 feet for single-family residential zones, 18 feet for multi-family residential zones, 20 feet for commercial zones, and 25 feet for industrial zones is excepted from the determination of grade, provided there is a maximum of two such openings per premises and provided there is not more than one such opening per 50 feet of lot frontage.

A PENTHOUSE (Section 101.0101.71), except as specifically excluded by the provisions of Section 101.0101.62 HEIGHT (BUILDING), shall be considered to be a story for purposes of computing incremental yard requirements.

Areas on roofs, as defined in Section 101.0101.99 ROOF DECK, which are enclosed, by wall, fence or guard rail open or solid in excess of an average of 42 inches in height, or exceeds 54 inches in height at any point, shall be included in the calculations of incremental yards except as specifically exempted by said definitions.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.71 Penthouse

A structure located upon the roof of a multi-story building or structure and which is set back from the vertical projections of the main wall of the building or structure or that portion of the building or structure upon which the penthouse is located. Any such structure shall be considered to be gross floor area, as defined in Sec. 101.0101.25 and to be a story, as defined in Sec. 101.0101.63, except when specifically excepted by the provisions of Sec. 101.0101.62 HEIGHT (BUILDING).

(Added 10-8-75 by O-11697 N.S.)

§ 101.0101.72 Floor

A horizontal, continuous, supporting or non-supporting surface. The floor shall be considered to be a continuous plane and shall include interior elevator shafts, interior stairwells, other similar interior spaces, and those items set forth in Sec.

101.0101.25 — GROSS FLOOR AREA.
(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.73 Home Occupation

Any occupation which is not inconsistent with nor disruptive to normal residential use and which is customarily conducted entirely as a secondary or accessory use, including office-type uses, and only by a resident of the premises within which the occupation is pursued, and which is permitted subject to the issuance of a home occupation permit.

(Added 8-18-77 by O-11880 N.S.)

§ 101.0101.74 Employment Agency

An employment agency is a business which provides, from an office, the primary service of employee placement in positions or employment for individuals who offer specific skills, talents, abilities and background in the line of work in which they are seeking permanent employment.

(Added 2-20-79 by O-12590 N.S.)

§ 101.0101.75 Hiring Hall

A hiring hall is a facility which provides temporary placement for employment of individuals in seasonal positions, part-time positions, or temporary replacement employment. A hiring hall is also a facility maintained by an organization for the specific purpose of dispatching its membership to employment sites of either a temporary or a permanent nature.

(Added 2-20-79 by O-12590 N.S.)

§ 101.0101.76 Single Room Occupancy (SRO) Unit

A unit of 220 net square feet or less within a hotel providing sleeping or living facilities in which sanitary facilities may be provided within the unit and cooking facilities may be shared within the hotel. This definition shall be applicable only to units provided after November 1, 1989.

(Amended 10-2-89 by O-17352 N.S.)

§ 101.0101.80 Coastal Zone

That land and water area of The City of San Diego, as described in Public Resources Code Section 30170 and amendments thereto, and as delineated on a map filed with the City Clerk as Document No. 768548.

(Added 10-22-84 by O-16301 N.S.)

§ 101.0101.81 Common Parking

The sharing under legal agreement of an off-street parking facility or facilities by two or more commercial uses or establishments for the purpose of accommodating their parking needs in a more efficient and satisfactory manner from the standpoint of the public than either could achieve separately.

(Added 10-22-84 by O-16301 N.S.)

§ 101.0101.82 Joint Use Parking

The sharing under legal agreement of an off-street parking facility or facilities by two separate commercial uses or establishments whose hours of operation are sufficiently divergent as to cause little or no overlapping demand for utilization of such facility or facilities.

(Added 10-22-84 by O-16301 N.S.)

§ 101.0101.88 Dormer

A roofed structure projecting from a sloping roof and usually housing a window or ventilating louver. Where a dormer provides a minimum clearance of seven feet, six inches from its finished floor immediately below to the finished roof of the dormer, and together with the HALF-STORY or ATTIC (Section 101.0101.65) or other similar area, and can be utilized as a habitable area, then the entire combined area shall be deemed a STORY (Section 101.0101.63) and shall be included in the calculation of GROSS FLOOR AREA (Section 101.0101.25) and INCREMENTAL YARDS (Section 101.0101.70). Where a dormer is designed exclusively for ventilation and is not accessible from a habitable area, such dormer shall not be included in the calculation of gross floor area and incremental yards.

(Amended 3-4-91 by O-17605 N.S.)

§ 101.0101.93.1 Time-Share Project

A project in which the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. A project shall be deemed a time-share project if the right of occupancy is represented by a time-share estate or a time-share use.

(Added 11-7-83 by O-16078 N.S.)

§ 101.0101.93.2 Time-Share Estate

A right of occupancy in a time-share project which is coupled with an estate in the real property.

(Added 11-7-83 by O-16078 N.S.)

§ 101.0101.93.3 Time-Share Use

A license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.

(Added 11-7-83 by O-16078 N.S.)

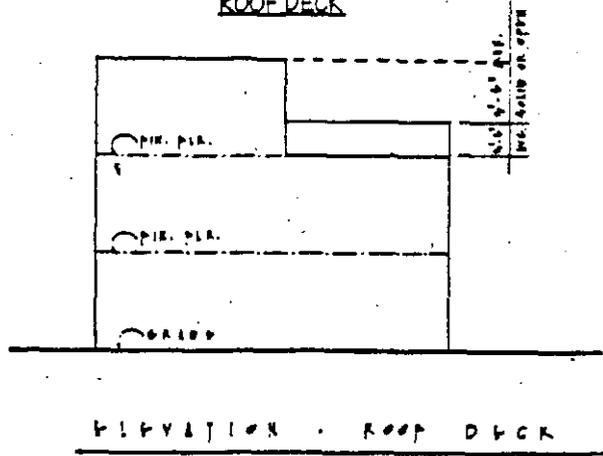
§ 101.0101.94 Satellite Antenna

Any antenna capable of transmitting or receiving signals from a transmitter or a transmitter relay located in a planetary orbit. This may include, but is not limited to, "satellite earth stations," "television-reception-only satellite antennas" (TVRO's), and "satellite microwave antennas."

(Added 4-18-88 by O-17071 N.S.)

ILLUSTRATION "A" of Section 101.0101.99

ROOF DECK



§ 101.0101.96 Residential Care Facilities

A residential care facility is any building, or place which is maintained and operated to provide sleeping accommodations, with or without food service(s) and/or kitchen facilities, for mentally disordered or otherwise disabled persons or dependent persons, or persons in rehabilitation or recovery programs, including but not limited to alcohol or substance abuse treatment; residential and community care facilities as defined by the state or county; programs for wards of the court, county or state, including but not limited to work furlough programs or any other probationary residential arrangements; facilities providing counseling services; and facilities receiving any form of government funding or subsidy; excluding housing for the elderly, nursing and convalescent homes.

(Added 7-10-89 by O-17318 N.S.)

§ 101.0101.97 Atrium

An atrium is a roofed, interior building area, which is open vertically through two or more floor levels; and does not include enclosed stairways, elevators, escalators, plumbing, electrical, air conditioning or other equipment.

(Added 3-4-91 by O-17605 N.S.)

§ 101.0101.98 Court, Interior

An interior court is an unroofed space, located at, below or above grade and bounded on all sides by the interior or exterior walls of a building(s) or portions of a building(s).

(Added 3-4-91 by O-17605 N.S.)

§ 101.0101.99 Roof Deck

For residential zones only, a roof deck is an enclosed or partially enclosed area, with or without an overhead structure, cover or roof, including a deck which is located on a flat or relatively flat roof. Where any portion of the deck's parapet, guardrail, wall or fence (open or solid) enclosing the area exceeds an average of 42 inches in height, or exceeds 54 inches in height at any point, this area shall be included in calculations of the following: Section 101.0101.25 GROSS FLOOR AREA, Section 101.0101.63 STORY, and Section 101.0101.70 INCREMENTAL YARDS. Any walled area erected exclusively to screen mechanical equipment shall not be considered to be a roof deck.

(Added 3-4-91 by O-17605 N.S.)

000318

(Amended 3-26-90 by O-17445 N.S.)

§ 101.0101.94.1 Antenna Height

The height of the antenna or dish measured vertically from the highest point, when positioned for operation, to the lowest point, which is defined as bottom of the base at either roof or ground level.

(Added 9-9-85 by O-16503 N.S.)

§ 101.0101.95 Definitions and Interpretations

1. Aquaculture. A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

2. Beach Impact Area. That area within the Coastal Zone lying adjacent to public beaches and which, therefore, experiences the highest levels of traffic congestion and parking need. The area lies seaward of a continuous line running north to south that connects the rear property lines on the landward side(s) of the properties fronting on segments of the following named streets, beginning at the northerly City limits: North Torrey Pines Road; La Jolla Shores Drive; Torrey Pines Road; Prospect Place; Prospect Street; La Jolla Boulevard; Loring Street; Cass Street; Reed Street; Gresham Street; Pacific Beach Drive; Interstate Freeway 5; Interstate Freeway 8; Sunset Cliffs Boulevard; Point Loma Avenue; the unnamed alley between Point Loma Avenue and Adair Street; Devonshire Drive; Hill Street; and Cordova Street to its terminus at Ladera Street. In addition, the beach impact area, shall include: all properties fronting on Carmel Valley Road between the City limits of the City of Del Mar and Via Donada; all properties located on the bayward side of Rosecrans Street between Nimitz Boulevard and Talbot Street and between McCall Street and the Point Loma Naval Complex. A map of the beach impact area is filed with the City Clerk as Document No. OO-17069.

3. Coastal Bluff. Within the Coastal Zone, an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass. It may be flat, curved, or steplike. For the purposes of these regulations, a coastal bluff is limited to those features having vertical relief of ten (10) feet or more.

For purposes of mapping the Sensitive Coastal Resource Overlay District, coastal bluffs shall consist of those areas designated within Hazard Category Nos. 41 through 47, inclusive, on the City's Geologic Hazard Maps, on file in the office of the City Engineer, plus an additional one hundred (100) foot landward strip contiguous to the coastal bluff edge.

4. Coastal Bluff Edge. The upper termination of a coastal bluff. When the top edge of the coastal bluff is rounded away from the face of the coastal bluff, the edge shall be defined as that point nearest the coastal bluff beyond which the downward gradient of the land surface increases more or less continu-

ously until it reaches the general gradient of the coastal bluff. In a case where there is a steplike feature at the top of the coastal bluff, the landward edge of the topmost riser shall be considered the bluff edge.

5. Environmentally Sensitive Area. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development.

6. First Public Roadway. The nearest through public access route (open to vehicular traffic) paralleling the ocean shoreline, which forms a continuous linkage from the northernmost to southernmost limits of the City of San Diego shoreline. The first public roadway is designated on Map Drawing No. C-731, filed in the office of the City Clerk under Document No. OO-17069.

7. Lateral Access. Public access along the shoreline paralleling the water's edge.

8. Public Vantage Point. Any publicly accessible location on dedicated or publicly owned property, including but not limited to roadways, parks, and cultural or recreational facilities, which affords a view of the ocean, a coastal lagoon, a canyon or hillside area, or any other open space area identified in an adopted community plan.

9. Riparian Habitat. An environment associated with freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of fresh water, and characterized by plants and animals which are dependent upon the availability of water in the resource.

10. Shared Parking. The sharing under legal agreement of an off-street parking facility or facilities by two (2) or more commercial uses or establishments for the purpose of accommodating their parking needs in a more efficient manner without conflict or encroachment.

11. Vertical Access. Physical public access from the first public roadway to the shoreline.

12. Wetland. Land which may be covered periodically or permanently with water, including salt-water marshes, freshwater marshes, open or closed brackish water marshes, mudflats, or fens. For the purposes of mapping the Sensitive Coastal Resource Overlay Zone, a wetland shall consist of those areas classifiable as wetlands in accordance with the "United States Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats of the United States," a copy of which is on file in the City Planning Department.

13. Fill. Any material or substance which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions resulting therefrom. Fill also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

000319

October 19, 2000

Fletcher Callanta
City of San Diego
Planning & Development Review
1222 First Avenue, MS 501
San Diego, CA 92101

Dear Mr. Callanta:

This letter is to update you and the other staff members working on our proposed street vacation.

On October 3, I attended the Uptown Community Planners meeting. We had less than 24 hours to prepare for the meeting, as we were never given written notice. We would not have known about the meeting at all except for the fortuitous chance that I happened to be home when two members of the Uptown Board were viewing the property. They informed me of the meeting that was scheduled for the next evening. Steve could not be there due to a death in the family and was out of town. We were not given proper notice and therefore not afforded due process.

At the meeting, I was able to successfully demonstrate that our project meets all the criteria as follows:

1. The right of way will not be needed in the future for public access to individual parcels or to public space.

All the individual parcels have their own access from Jackdaw and Kite Streets and do not depend on the right of way.

Because we are requesting the vacation of only 30 feet of the 80-foot right of way, the public space remains accessible from Jackdaw and Walnut Streets.

Moreover, we do not plan to develop, improve, or close off the 30 feet we are vacating; it will remain as it is, with only trees and landscape improvements.

2 The right of way will not be needed in the future to provide public parking.

The vacated portion of Walnut St. will remain a canyon and has never been used or available for public parking.

3. The right of way will not be needed in the future to provide open space for public use

The vacated portion of Walnut St. will remain as it is today, open, unimproved, with street views of the canyon.

4. The right of way will not be needed in the future to maintain views of open space from public rights-of-way.

The open space canyon will remain as it is today, with beautiful views of the canyon from both Jackdaw and Kite St.

All of these points were made clearly and convincingly, as you can easily corroborate by a telephone call to the Chairman, Mr. Ian Epply. However, as I learned at the meeting, several months ago the Uptown Community Planners passed an internal resolution in which they agreed to deny all future street vacations, regardless of their merits. It wasn't surprising, then, that the vote on our project was 10 against, 2 in favor, and 1 abstention. The fact we got 2 votes in favor was a major accomplishment in front of this group!

You might also recall that in April 1999, the same planning group voted 5 in favor, 2 opposed, and 4 abstentions on the same proposal.

As a final thought, I would like you to note the longevity of the fruit trees that will remain if the vacation is granted. They are not young trees; they were planted ten years ago and are fully mature. Because they are all dwarf trees, they will grow no higher, meaning the landscaping will not obstruct the views into the canyon from the street.

You should also note that the adjoining neighbors on the Kite St. side of the right of way also have a number of fruit trees growing in the right of way. Their trees are not dwarf, and were planted well over 25 years ago, yet still do not obstruct views of the canyon.

As promised, I have attached signatures of neighbors who support and do not oppose our project. The **only** person who opposes it is Mike Herman, who doesn't even live in the neighborhood. He owns a rental property!

The attached list is incomplete, yet a good start. I will complete my canvassing in a week or two after I return from our vacation. I wanted to get this to you before we went out of town, so that the neighborhood support would be considered if staff evaluates our proposal while we are away.

There are 2 pages of neighbors who support the street vacation. I also attached a color-coded map showing where these neighbors live with respect to the proposed street vacation. Again the only person opposed is Mike Herman.

I appreciate your support. If you need additional information, please call either Steve or myself after October 30.

Sincerely,



Sandi Hill



000321
MAY 18 1999

ATTACHMENT 20

THE CITY OF SAN DIEGO

March 17, 1998

NOTICE OF VIOLATION

Location: 3502 Jackdaw Street
Assessor's Parcel No.: 451-333-06

Owner: Steven and Sandi Hill
Address: 3502 Jackdaw Street
San Diego CA, 92103

Zone: RI-20000/HR

A representative of the Neighborhood Services Division conducted an inspection of the above referenced premises on February 26, 1998. In accordance with San Diego Municipal Code (SDMC) this is to notify you that the following violation(s) were observed and must be corrected by April 30, 1998.

The specific code sections in violation include, but may not be limited to, the following:

SDMC, Section 101.0212 and Hillside Review Permit (HRP) #88-0742 and Resolution # 8046

Not meeting condition #1-d & j of resolution, "Western portion of the lot designated open space and will remain in natural state."

In order to comply with the law, you shall be required to meet the time frames and conditions stated below:

Correction of this violation is due April 30, 1998.

The Western portion of the lot has been altered from the natural state at time of HRP 88-0742.

Neighborhood Code Compliance

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106
Tel (619) 236-5500 Fax (619) 533-6142



Notice of Violation
3502 Jackdaw Street
March 17, 1998
Page 2

Please contact Development Services Early Assistance Counter regarding a Substantial Conformance Review or an Amendment to the existing Resolution #8046 for HRP 88-0742 and submit appropriate application.

PLEASE TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS.

Engineering and building permits may be applied for at the Development Services Department, Permit Services Counter, 1222 First Avenue, third floor. Please telephone (619) 236-6270 for general information about getting the required permits.

Failure to comply with this Notice of Violation may result in further enforcement actions such as *administrative citations and abatement, civil penalties, reinspection fees, revocation of permits, recordation of the notice of violation, withholding of future municipal permits, criminal prosecution, or civil injunction.*

Please be advised that there will be a reinspection fee to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 533-6141.



GIB VONG
Zoning Investigator II

GV/jsm

NC54452

This information will be made available in alternative formats upon request.

000323

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 200
9/10

RECEIVED

TO: CITY ATTORNEY
2. FROM (ORIGINATING DEPARTMENT): Development Services
3. DATE: April 24, 2007
CITY CLERK'S OFFICE
07 MAY -4 PM 3:25
SAN DIEGO, CALIF

4. SUBJECT: Hill Residence - Project No. 15355

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): John Fisher, 446-5231, MS 302
6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.): Mike Westlake, 446-5220, MS 502
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
	1317	1711	4038	99-0019			No cost to the City. All costs are recovered through a deposit account funded by the applicant.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>Handwritten Signature</i>	5/3/07	8	DEPUTY CHIEF	<i>Handwritten Signature</i>	5/4/07
2	EAS	<i>Handwritten Signature</i>	5-3-07	9			
3	EOCP EXEMPT MEMO DATED 5/9/96			10	CITY ATTORNEY		
4				11	ORIG. DEPT		5/3/07
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

- Resolution APPROVING Hillside Review and Resource Protection Overlay Zone Permit No. 32731, Variance No. 209653 and Encroachment Removal Agreement No. 209658.
- Resolution DENYING Street Vacation No. 209656.
- Instruct the City Attorney's Office to prepare the resolutions.

11A. STAFF RECOMMENDATIONS:
APPROVE THE RESOLUTIONS AND INSTRUCT THE CITY ATTORNEY

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT: 2

COMMUNITY AREA: UPTOWN

CITY CLERK INSTRUCTIONS:

- PUBLIC NOTICE IS REQUIRED.
- RETURN COPIES OF THE RESOLUTIONS TO JOHN S. FISHER, MS 302.
- THE APPLICATION IS BEING PROCESSED IN ACCORDANCE WITH MUNICIPAL CODE REGULATIONS IN EFFECT PRIOR TO JANUARY 1, 2000 (OLD CODE), SECTIONS 101.0454, 101.0462 AND 101.0502.
- COUNCIL ACTION REQUIRES A MAJORITY VOTE.

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS DETERMINED THAT THE ACTION IS EXEMPT PURSUANT TO ARTICLE 19 OF THE GUIDELINES FOR CATEGORICAL EXEMPTIONS, SECTION 15301(1), EXISTING FACILITIES.

HOUSING IMPACT: NONE

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: June 7, 2007

REPORT NO.:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Hill Residence PTS Project Number 15355.

COUNCIL DISTRICT(S): 2

STAFF CONTACT: John S. Fisher, 446-5231

REQUESTED ACTION:

Approval of a permit amendment, three variances, and encroachment into the unimproved public right-of-way of Walnut Avenue to allow existing improvements associated with a single family residence to remain. The project is located at 3502 Jackdaw Street in the Uptown Community Plan area.

STAFF RECOMMENDATION:

1. APPROVE Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653, and Encroachment Removal Agreement No. 209658; and
2. DENY Public Right-of-Way Vacation No. 209656.

EXECUTIVE SUMMARY:

The application was deemed complete on January 11, 1999 and is therefore subject to the Municipal Code in affect at that time. The site is located at 3502 Jackdaw Street in the Uptown Community Plan area. The 25 foot by 100 foot rectangular lot slopes approximately 30 feet down from the street. The majority of the parcel is within the Hillside Review Overlay Zone (Old Code). Previous approvals in 1989 authorized the construction of the property with two variances for yard setbacks. A soils investigation during initial grading determined that removal of undocumented fill material was necessary. This resulted in modifications to the foundation design and lowered the measurement of grade approximately five feet. This resulted in the residence observing a height of approximately 38 feet, rather than 33 feet approved with the original permit. Furthermore, changes to the foundation design using retaining walls to support the structure in lieu of caissons resulted in a previously open area beneath the structure being enclosed. Regulations require this enclosed area be included in the floor area measurement of the residence which now exceeded that allowed in the permit. A permit amendment and variance is required to remedy these conditions.

In 1990, an Encroachment Maintenance and Removal Agreement (ERMA) was approved to allow encroachments into the unimproved public right-of-way of Walnut Avenue, immediately south of the residence. These encroachments extend fifteen feet into the right-of-way and include a concrete walkway and steps which provide access to the residence and landscaping. In 1998, a Notice of Violation was issued to the owner citing non-compliance with the approved HRP/RPOZ Permit No. 88-0742. In 1999, the owner submitted the current application to amend the approved HRP/RPOZ Permit No. 88-0742 in an effort to legalize the existing height and gross floor area. The application includes a request to modify the existing structure to add additional floor area and an EMRA to legalize existing encroachments in the public right-of-way beyond those approved in the

existing encroachments in the public right-of-way beyond those approved in the 1990 EMRA. As an alternative to an EMRA, the project includes a request to vacate a portion of the undeveloped Walnut Avenue right-of-way.

Staff recommends approval of Hillside Review Permit/Resource Protection Ordinance Permit No. 32731, Variance No. 209653 and Encroachment Removal Agreement No. 209658 and recommends denial of Public Right-of-way Vacation No. 209656.

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(1) "Existing Facilities".

FISCAL CONSIDERATIONS:

No cost to the City. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

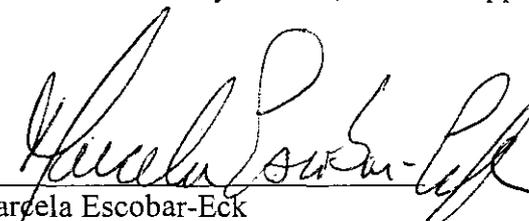
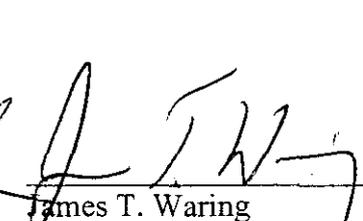
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 21, 2005, the Planning Commission of the City of San Diego voted 4:2:0 to recommend approval of Hillside Review and Resource Overlay Zone Permit No. 32731, amending HRP/RPOZ Permit No. 88-0742, and Variance No. 209653 to maintain the existing as-built and enclosed under-floor area of the residence; and to recommend denial of a Variance to enclose an existing carport for use as a garage; Street/Public Right-of-Way Vacation No. 209656; and Encroachment Removal Agreement No. 209658, requiring the area that was disturbed be revegetated and returned to the state it was in prior to being encroached upon without permission, with a minimum maintenance period from one to three years.

On October 3, 2000 the Uptown Planners voted 5:3:1 to recommend denial of the street vacation. On May 1, 2001, the Uptown Planners voted 11:0:1 to recommend approval of the project, minus the street vacation.

KEY STAKEHOLDERS:

Steve M. and Sandy M. Hill, Owners/Applicant

 <hr/> Marcela Escobar-Eck Director Development Services Department	 <hr/> James T. Waring Deputy Chief of Land Use and Economic Development
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ATTACHMENTS: Report to the Planning Commission, Report No. PC-04-182

000327

DETERMINATION OF: ENVIRONMENTAL EXEMPTION

Pursuant to The California Environmental Quality Act (CEQA) and State CEQA Guidelines

RECEIVED

CITY CLERK'S OFFICE

Agency: CITY OF SAN DIEGO

LDR FILE NO.: 15355

DATE: February 10, 2005
07 APR 26 AM 11:32

Action/Permits: Amendment to Hillside Review Permit (HRP) & Resource Protection Ordinance (RPO) Permit No. 88-0742, Variance and Street Vacation

SAN DIEGO, CALIF.

Description of Activity: An amendment to the existing permits to acknowledge the site as it exists today. The variances are for height and floor area ratio, and the street vacation is for a portion of the site that encroaches into Walnut Street, which is a paper street. No changes to existing the conditions would result from the proposed project.

Location of Activity: 3502 Jackdaw Street

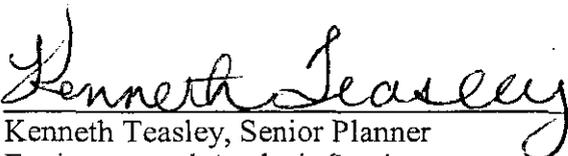
- 1. This activity is **EXEMPT FROM CEQA** pursuant to:
 - Section 15060(b)(3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
- 2. This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)		ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)	
Sec.	Short Name	Sec.	Short Name
<input checked="" type="checkbox"/> 15301	1 Existing Facilities	<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15302	2 Replacement or Reconstruction	<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15303	3 New Construction or Conversion of Small Structures	<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15304	4 Minor Alterations to Land	<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15305	5 Minor Alterations in Land Use Limitations	<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> 15306	6 Information Collection	<input type="checkbox"/> Other	
<input type="checkbox"/> 15311	11 Accessory Structures		
<input type="checkbox"/> 15312	12 Surplus Government Property Sales		
<input type="checkbox"/> 15315	15 Minor Land Divisions		
<input type="checkbox"/> 15317	17 Open Space Contracts or Easements		
<input type="checkbox"/> 15319	19 Annexation of Existing Facilities and Lots for Exempt Facilities		
<input type="checkbox"/> 15325	25 Transfer of Ownership of Interest in Land to Preserve Open Space		
<input type="checkbox"/> Other			

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Distribution:

Exemption file
Project Manager


Kenneth Teasley, Senior Planner
Environmental Analysis Section

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, Steven M. Hill and Sandi M. Hill, Owner/Applicant, filed an application with the City of San Diego for the following: 1. a variance to legalize the existing as-built condition of an existing single-family residence; legalize existing gross floor area to include enclosed under-floor area; and to allow an additional gross floor area to include enclosure of an existing carport, 2. an Encroachment Maintenance and Removal Agreement to maintain existing non-permitted encroachments within the unimproved Public Right-of-Way of Walnut Avenue thereby expanding a previously approved Encroachment Maintenance and Removal Agreement, for an existing single-family residence known as the Hill Residence project, located at 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381, in the Uptown Community Plan Area, in the RS-1-5, RS-1-7 (formerly R1-5000, and R1-20000) and Hillside Review Overlay Zones; and

WHEREAS, on April 21, 2005, the Planning Commission of the City of San Diego voted 4:2:0 recommending the following: 1. approval of ___ Variance No. 209653 to maintain the existing as-built and enclosed under-floor area of the residence, 2. denial of a Variance to enclose an existing carport for use as a garage, 3. denial of a Street/Public Right-of-Way Vacation No. 209656, 4. denial of an amendment to Encroachment Removal Agreement No. 209658, and 5. approval of a requirement that the area that was disturbed be revegetated and returned to the state it was in before it was encroached into without permission, with a minimum maintenance period from one to three years; and

WHEREAS, the matter was set for public hearing on September 10, 2007, 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 it adopts the following findings with respect to Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658:

VARIANCE FINDINGS ~ (MUNICIPAL CODE SECTION 126.0805)

1. **There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.** In 1883, the subject property and surrounding area was subdivided into 25-foot wide by 100-foot deep lots. In 1930, the property and surrounding area were zoned R1-5000 which permitted single-family residential development. With the exception of a small northeasterly corner, the property is located within the Hillside Review Overlay Zone (HROZ), which was applied to the property in 1971. With the adoption of the Mid-City Communities Planned District Ordinance in 1986, this property was rezoned to a less dense zone. The majority of the property was rezoned from R1-5000 to R1-20,000/HR. The rezoning to R1-20,000 was significant and resulted in increased front, interior side and rear setbacks. These new regulations significantly impacted the site and resulted in the need to consider variances in an effort to allow reductions in setbacks to allow reasonable use of this remaining legal yet small lot.

Evidence in the record supports the conclusion that, during grading activities, fill soils were discovered which were not previously detected due to the growth of vegetation in the canyon area. These fill soils resulted in design modifications which included a retaining wall design in lieu of the approved caissons. The general hillside conditions did not change.

The current application seeks to remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits. The effect of the undocumented fill soils and the necessary design changes resulted in the height measurement to be taken from the resulting lowered grade. The conditions on the site are peculiar and have not been created by the applicant subsequent to the adoption of the zoning regulations.

2. **The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.** The proposed modifications seeks to

remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits. The existing residence is developed on a lot of substandard width and area, and is unique in terms of development pattern in the area, in which the majority of residences are developed across a common lot line of two lots. Enclosure of the carport for use as a garage will enhance security for the premises enjoyed by other properties in the vicinity. Improvement of the under-floor area as livable space will enhance the use of the premises and will not expand the footprint of the existing development. There are circumstances or conditions in which the strict application of the provisions of the ordinance in effect for this site would deprive the owner of reasonable use of the land or buildings and that the granting of the variance will accomplish this purpose.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The requested variances will remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits. The proposed increase in floor area ratio due to enclosure and future improvement of the under floor area as habitable space will not be visible, and the modification to the carport for use as a garage will be implemented in a manner compatible with the existing residence. The granting of these variances will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the general public welfare. All construction will be reviewed by professional staff for compliance with the relevant building codes and inspected for compliance with those codes.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan. The site is currently developed with a single-family residence and is in conformance with the existing Progress Guide and General Plan and the Uptown Community Plan. The footprint of the approved development will not change. Additional encroachment into the unimproved public right-of-way of Walnut Avenue is proposed to allow the existing improvements to remain. The existing and proposed improvements conform to the City's Progress Guide and General Plan, and other adopted applicable plans in effect for this site and zone. The granting of the requested variances will not adversely affect the City's Progress Guide and General Plan. The site is not located in the Coastal Zone.

ENCROACHMENT FINDINGS - (MUNICIPAL CODE SECTION 129.0715)

- 1. The encroachment will be installed and maintained in a safe and sanitary condition at the sole cost, risk and responsibility of the Owner/Applicant and successors in interest and will not adversely affect the public's health, safety or general welfare.**

2. **The Owner/Applicant has agreed to indemnify the City with an indemnification agreement satisfactory to the City Manager and the City Attorney.**
3. **The Owner/Applicant has agreed to remove or relocate the encroachment within 30 days after notice by the City Engineer, or the City Engineer may cause such work to be done, and the costs thereof shall be a lien upon said land, or, in the alternative, the Owner/Applicant agrees to an equivalent to the requirement for removal as determined by the City Engineer.**
4. **For structures encroaching over or under the public right-of-way, if any, the Owner/Applicant has agreed to provide an alternate right-of-way or to relocate any existing or proposed City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the City Engineer that any existing or proposed City facility cannot be economically placed, replaced, or maintained due to the presence of the encroaching structure.**
5. **What ever rights and obligations that were acquired by the City with respect to the rights-of-way shall remain and continue in full force and effect and shall in no way be affected by the City's grant of permission to construct and maintain the encroaching structure.**
6. **This encroachment serves a single dwelling unit; therefore, the Owner/Applicant shall maintain a policy of \$500,000 liability insurance, for encroachments serving this single dwelling unit satisfactory to the City Engineer to protect the City from any potential claims which may arise from the encroachments.**
7. **In the event the City is required to place, replace, or maintain a public improvement over which the Owner/Applicant has constructed an encroaching structure, the Owner/Applicant shall pay the City that portion of the cost of placement, replacement, or maintenance caused by the construction, or existence of the Owner/Applicant's permanent encroaching structure.**
8. **The Owner/Applicant shall pay the City for all the cost of placing, replacing, or maintaining a public improvement within a public right-of-way when the City's facility has failed as a result of the construction or existence of the Owner/Applicant's encroaching structure.**
9. **The costs of placing, replacing, or maintaining the public improvement shall include the cost of obtaining a necessary alternate easement.**
10. **The Owner/Applicant shall pay the City or public utility for all cost of relocating, replacing or protecting a facility within the public right-of-way when such**

relocation, replacement, or protection results from the construction of the encroachment.

11. An Encroachment Maintenance and Removal Agreement approved herein shall be recorded in the office of the County Recorder.

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

BE IT FURTHER RESOLVED, that Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658 to remedy and authorize the existing height and design conditions previously created by the applicant without benefit of the necessary permits is granted to Steven M. Hill and Sandi M. Hill, Owner/Applicant, under the terms and conditions set forth in the Variance attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Shirley R. Edwards
Chief Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Form=permitr.frm(61203wct)
Reviewed by John S. Fisher

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.1001 et seq. provides a procedure for the summary vacation of public street right-of-way by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381, to unencumber this property and facilitate development of the site as allowed by Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658; and

WHEREAS, the City Council finds that:

- (a) there is a present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and
- (b) the public will not benefit from the vacation through improved utilization of land; and
- (c) the vacation would adversely affect the General Plan or an approved Community Plan; and
- (d) the public street system for which the right-of-way was originally acquired will be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381 in connection with Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658, as more particularly described in the legal description marked as Exhibit "A," and shown drawing marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos.

RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered not vacated.

4. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Shirley Edwards
Chief Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Reviewed by John S. Fisher

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 99-0019

VARIANCE NO. 209653 and
 ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT NO. 209658
HILL RESIDENCE – PROJECT NO. 15355
 CITY COUNCIL
DRAFT

This Variance No. 209653 and Encroachment Maintenance and Removal Agreement No. 209658, is granted by the City Council of the City of San Diego to STEVEN M. HILL AND SANDI M. HILL, Owner, pursuant to San Diego Municipal Code (SDMC) Sections 126.0805 and 129.0715. The 0.057 acre site is located at 3502 Jackdaw Street in the RS-1-2 and RS-1-7 (formerly R1-5000 and R1-20000) and Hillside Review Overlay Zones of the Uptown Community Plan Area. The project site is legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381.

Subject to the terms and conditions set forth in this Variance, permission is granted to Owner to maintain an existing multi-level, single-family residence described and identified by size, dimension, quantity, type, and location on the approved Exhibits "A," dated September 10, 2007, on file in the Development Services Department.

The project shall include:

- a. A maximum 2,482 square foot, multi-level, single-family residence - including Variances to - 1) Maintain the height of the existing residence at approximately 38-feet where 33-feet was approved; 2) Maintain the existing enclosed potential floor/under-floor area consisting of approximately 451 square-feet to habitable area; and 3) Enclose an existing 392 square-foot carport for use as a garage, resulting in a maximum floor area ratio total of approximately 1.00;
- b. Existing encroachments located within the unimproved public right-of-way of Walnut Avenue adjacent to the southerly perimeter of the subject property, noted on the revised Encroachment Maintenance and Removal Agreement (EMRA). Said improvements to

include landscaping, fruit trees, wooden stairs, wooden retaining walls and irrigation. The EMRA shall reflect an expansion of the existing EMRA which varies from fifteen to thirty feet into the right-of-way;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities;
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site; and

STANDARD REQUIREMENTS:

1. Prior to the issuance of any building permit, Federal Aviation Administration notification is required with a copy to the City of San Diego Development Services Department. Prior to the issuance of any building permit, the Owner shall consult with the Federal Aviation Administration and obtain a letter indicating "No Hazard" for any proposed construction. The letter of "No Hazard" shall be provided to the Development Services Department.
2. Construction must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the Variance or any building permits obtained within thirty-six months will automatically void the Variance or permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Variance be conducted on the premises until:
 - a. The Owner signs and returns the Variance to the Development Services Department; and
 - b. The Variance is recorded in the Office of the San Diego County Recorder.
4. Unless this Variance has been revoked by the City of San Diego the property included by reference within this Variance shall be used only for the purposes and under the terms and conditions set forth in this Variance unless otherwise authorized by the City Manager.
5. This Variance is a covenant running with the subject property and shall be binding upon the Owner and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Variance and all referenced documents.

6. The utilization and continued use of this Variance shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Variance by the City of San Diego does not authorize the Owner for this Variance to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner shall secure all necessary building permits. The Owner is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building permits, complete and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Variance have been granted.

10. All of the conditions contained in this Variance have been considered and have been determined to be necessary in order to make the findings required for this Variance. It is the intent of the City that the holder of this Variance be required to comply with each and every condition in order to be afforded the special rights which the holder of the Variance is entitled as a result of obtaining this Variance.

In the event that any condition of this Variance, on a legal challenge by the Owner of this Variance, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Variance shall be void. However, in such an event, the Owner shall have the right, by paying applicable processing fees, to bring a request for a new variance without the "invalid" condition(s) back to the discretionary body which approved the Variance for a determination by that body as to whether all of the findings necessary for the issuance of the proposed variance can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed variance and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any building permit, the Owner shall obtain an encroachment maintenance and removal agreement from the City Engineer for landscaping, irrigation, and planters located in the adjacent right-of-way portion of Jackdaw Street, in accordance with the requirements of Section 129.0715 of the San Diego Municipal Code.

12. The Encroachment Maintenance and Removal Agreement for the existing improvements within the unimproved public right-of-way of Walnut Avenue shall be completed and recorded with the Office of the County Recorder within 180-days of approval.

13. The drainage system as proposed on the approved plans is subject to approval of the City Engineer.

LANDSCAPE REQUIREMENTS:

14. Approved planting shall not be modified or altered unless this Variance has been amended and is to be maintained in a diseased, weed and litter free condition at all times.

PLANNING/DESIGN REQUIREMENTS:

15. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

16. There shall be compliance with the regulations of the underlying zone(s) except as allowed by this Variance. Three variances are approved herein as described on page one of six in subparagraph (a). Where there is a conflict between a condition (including exhibits) of this Variance and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a variance from the regulations. Where a condition (including exhibits) of this Variance establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

17. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits, including, but not limited to, elevations and cross sections. A variance to the height limit has been granted as a specific condition of this Variance.

18. Variances are being granted to allow the existing residence as constructed to maintain its as-built height of approximately 38 feet, to allow the enclosure of under-floor area for use as habitable space, and to allow the enclosure of an existing carport for use as a garage resulting in a maximum floor area ratio of approximately 1.0.

19. Any future requested amendment to this Variance shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

20. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

21. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

22. The residence may observe a maximum floor area ratio of 1.0 as depicted in the Exhibit "A."

INFORMATION ONLY:

000341

a. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Variance, may protest the imposition within ninety days of the approval of this Variance by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

b. The proposed addition may require a force lateral to provide sewer service to the lower floors.

APPROVED by the Council of the City of San Diego on _____ by Resolution No. _____.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned, by execution hereof, agrees to each and every condition of this Variance and promises to perform each and every obligation hereunder.

Steve M. and Sandi M. Hill
Owner

By _____
Steve M. Hill

By _____
Sandi M. Hill

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.

PLANNING COMMISSION RESOLUTION NO. 3726-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
HILLSIDE REVIEW AND RESOURCE PROTECTION OVERLAY ZONE PERMIT NO. 32731
(AMENDING HRP/RPOZ PERMIT NO. 88-0742), VARIANCE NO. 209653, AND
ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT NO. 209658

WHEREAS, on April 21, 2005, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the City Council of San Diego approval of a Hillside Review and Resource Protection Overlay Zone Permit No. 32731 (Amending HRP/RPOZ Permit No. 88-0742), Variance No. 209653; Encroachment Maintenance and Removal Agreement No. 209658; and Street/Public Right-of-Way Vacation No. 209656; and

WHEREAS, STEVEN M. HILL AND SANDI M. HILL, Owner/Permittee, requested a Hillside Review and Resource Protection Overlay Zone Permit No. 32731 (Amending HRP/RPOZ Permit No. 88-0742), Variance No. 209653; Encroachment Maintenance and Removal Agreement No. 209658; and Street/Public Right-of-Way Vacation No. 209656 to allow the existing height and enclosed underfloor area of an existing single-family residence to remain; the enclosure of an existing carport for use as a garage; expansion of an Encroachment Maintenance and Removal Agreement; and the Street/Public Right-of-Way Vacation of a Portion of Unimproved Walnut Avenue, at a 0.057-acre site known as the Hill Residence project addressed as 3502 Jackdaw Street in the Uptown Community Plan Area; and

WHEREAS, the Planning Commission of the City of San Diego has considered all exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby RECOMMENDS APPROVAL of a Hillside Review and Resource Protection Overlay Zone Permit No. 32731 (Amending HRP/RPOZ Permit No. 88-0742), and Variance No. 209653 to maintain existing height and enclosed underfloor area, and RECOMMENDS DENIAL of the Variance request to increase gross floor area by enclosing an existing carport; expansion of an Encroachment Maintenance and Removal Agreement No. 209658; and Street/Public Right-of-Way Vacation No. 209656.



WILLIAM C. TRIPP
Development Project Manager
Development Services

Adopted on: April 21, 2005
By a Vote of: 4 to 2
Job Order No. 99-0019
cc: Legislative Recorder

RECEIVED
CITY CLERK'S OFFICE

07 APR 26 AM 11:32

SAN DIEGO, CALIF.

Item 26

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
APRIL 21, 2005
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Schultz at 9:00 a.m. Chairperson Schultz adjourned the meeting at 3:10 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia-present
Commissioner Carolyn Chase-present
Commissioner Robert Griswold-not present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji-present
Commissioner Mark Steele-present
Mary Wright, Planning Department-present
Bob Manis, Planning Department-not present
Gary Halbert, Development Services-not present
Marcela Escobar-Eck, Development Services-present
Doug Humphreys, Deputy City Attorney-present
William Witt, Deputy City Attorney-not present
Linda Lugano, Recorder-present

ITEM-26: HILL RESIDENCE - PROJECT NO. 15355.

Bill Tripp presented Report to the Planning Commission No. PC-05-079.

Testimony in favor of Steven Hill.

Testimony in opposition by Michael Herman.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY STEELE TO RECOMMEND THAT THE CITY COUNCIL APPROVE STAFF'S RECOMMENDATIONS WITH THE EXCEPTION OF ENCLOSING THE CARPORT AND EXPANDING THE ENCROACHMENT REMOVAL AGREEMENT FROM 15 TO 30 FEET; RE-VEGETATE THE AREA THAT WAS DISTURBED AND RETURN IT TO THE STATE IT WAS IN BEFORE IT WAS ENCROACHED INTO IT WITHOUT PERMISSION WITH A MINIMUM MAINTENANCE PERIOD FROM ONE TO THREE YEARS. Second by Garcia. Passed by a 4-2 vote with Commissioners Chase and Ontai voting nay and Commissioner Griswold not present.

~~ITEM-27: MARKEY MIXED-USE - PROJECT NO. 37807~~

~~Dan Stricker presented Report to the Planning Commission No. PC-05-152.~~

~~No one present to speak on this project.~~

~~COMMISSION ACTION:~~

~~MOTION BY GARCIA TO APPROVE STAFF'S RECOMMENDATIONS WITH THE APPROVAL OF THE WAIVER FOR THE UNDERGROUNDING UTILITY BECAUSE THEY RUN IN AN SDG&E EASEMENT, AND BECAUSE THIS PROPERTY IS NOT PULLING SERVICE OFF OF THEM. Second by Chase. Passed by a 6-0 vote with Commissioner Griswold not present.~~

City Council Public Hearing
Tuesday, June 19, 2007
2 PM

Project No: 15355
Project Name: 3502 Jackdaw Street Residence (Hill Residence)
Applicant: Steven M. Hill
Plan Area: Uptown
District: 2

This package includes:

3 REASONS WHY THIS PROJECT SHOULD BE DENIED

and

A One Page History of the Project

and

Corrections to Inaccuracies in the Report submitted by City Staff to City Council and Planning Commission

SUBMITTED BY
MICHAEL AND JACQUELINE HERMAN
PROPERTY OWNERS OF
3508 JACKDAW STREET
SAN DIEGO, CA 92103
(PROPERTY ADJACENT TO NORTH SIDE OF 3502 JACKDAW)

1ST REASON FOR DENIAL

- In 1998 Code Enforcement issued a **Notice of Violation** to this Residence. The following issues were identified.
- Illegal grading, off-site, within a Public Right of way. (up to 15' deep of fill placed onto adjacent hillside)(See Fig. A)
- Existing Residence 7'-6" over allowable 30' max. ht. limit (37'-6" measured from pre-existing grade) (See Fig. B)
- Existing Residence approx. 600 SF over maximum allowable for FAR.
- Grading on-site in violation of approved HRP. (See Fig C)
- Planting on-site and off-site, in areas of un-permitted grading, discovered to be in violation of approved HRP.

Applicants are now requesting all violations be allowed and are requesting additional variances .

- Applicants now want to increase Floor area to 2,483 SF. This is approx 1,000 SF over the maximum allowable resulting in a FAR of 100%.

There is no precedence in the neighborhood for this egregious Height variance nor this reckless FAR variance.

There is no precedence in the community for allowing the un-permitted bulldozing and destruction of a neighborhood hillside in a public right of way.

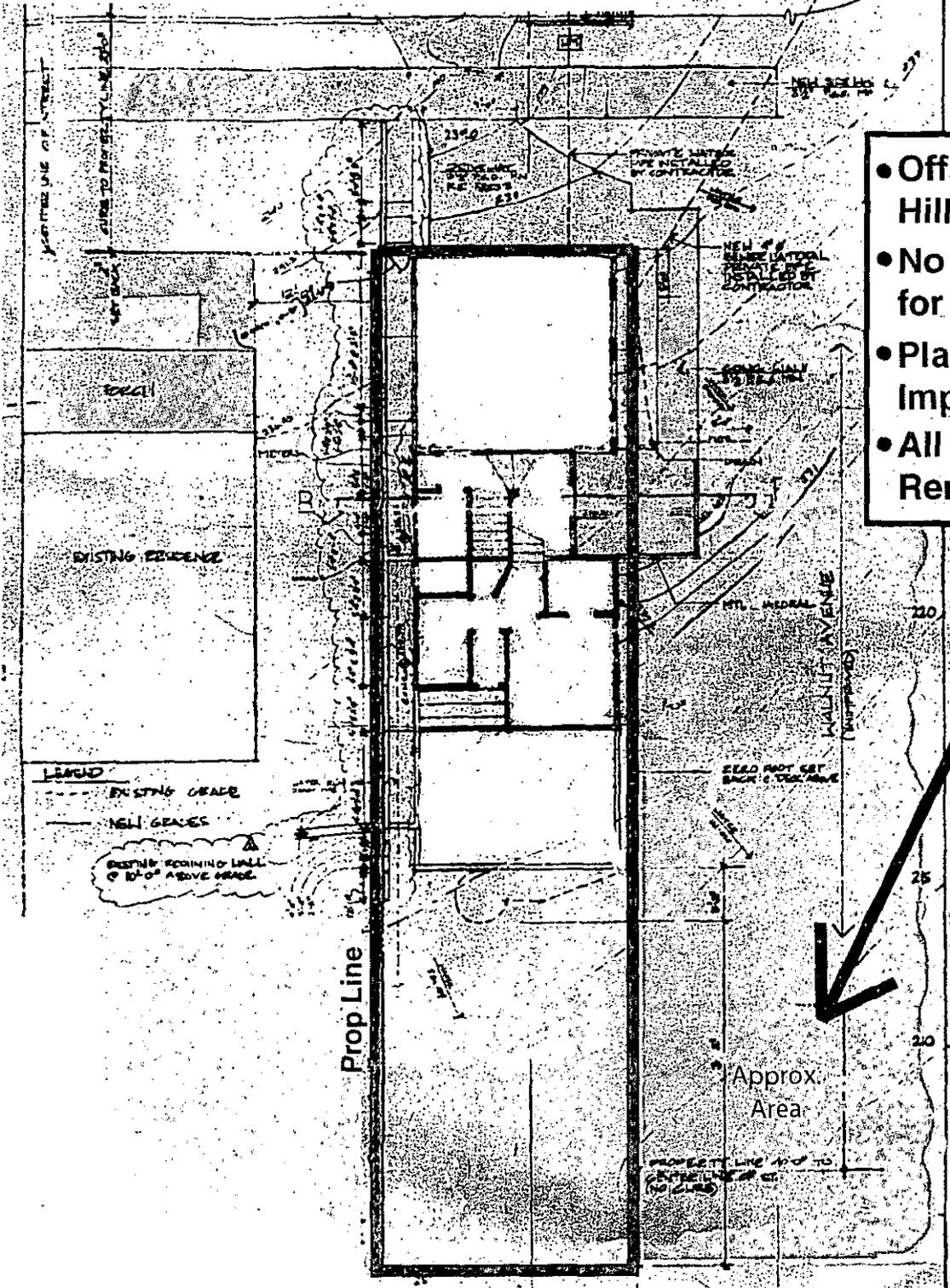
None of the required findings necessary to support a variance request (ie: special circumstance, precedent, unique physical characteristics of site, etc.) can be made for the subject request.

- **Therefore, grant of the applicants request would constitute a grant of special privilege contrary to city ordinance.**

000349

Jackdaw Street

Walnut Street



- Offsite Public ROW Hillside Graded
- No Permit for Grading
- Placed up to 15' Deep Imported fill
- All Native Vegetation Removed

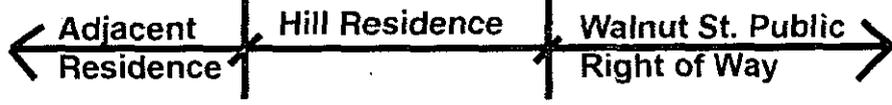
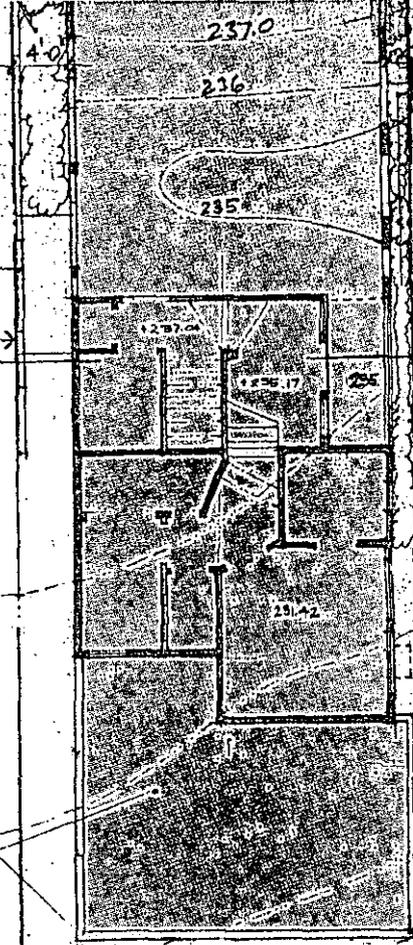


FIGURE A

00,350

12'-0"



CONVOLVULUS GREGGII

DECK

3'-6" RET. WALL

PROPERTY LINE

EXISTING RESIDENCE

INDIGENOUS LANDSCAPE (EXISTING)

100 FEET

WALNUT (PAPER STREET)

253.66 TOP OF PARAPET

5'-0"

116.0

SOUTH SITE ELEVATION

253.6	TOP OF PARAPET
— 116.0	ACTUAL PRE-EXISTING GRADE, 5' FROM BUILDING
<hr/>	
37.6	ULTIMATE HEIGHT OF BUILDING

25 FEET

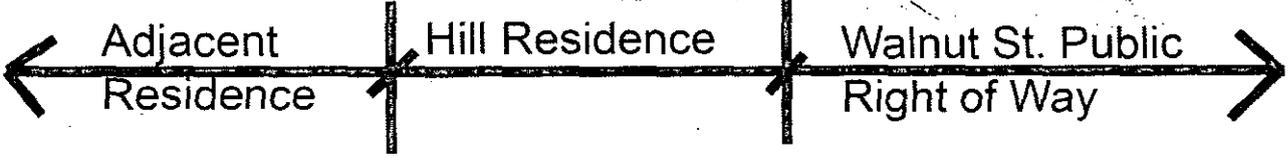
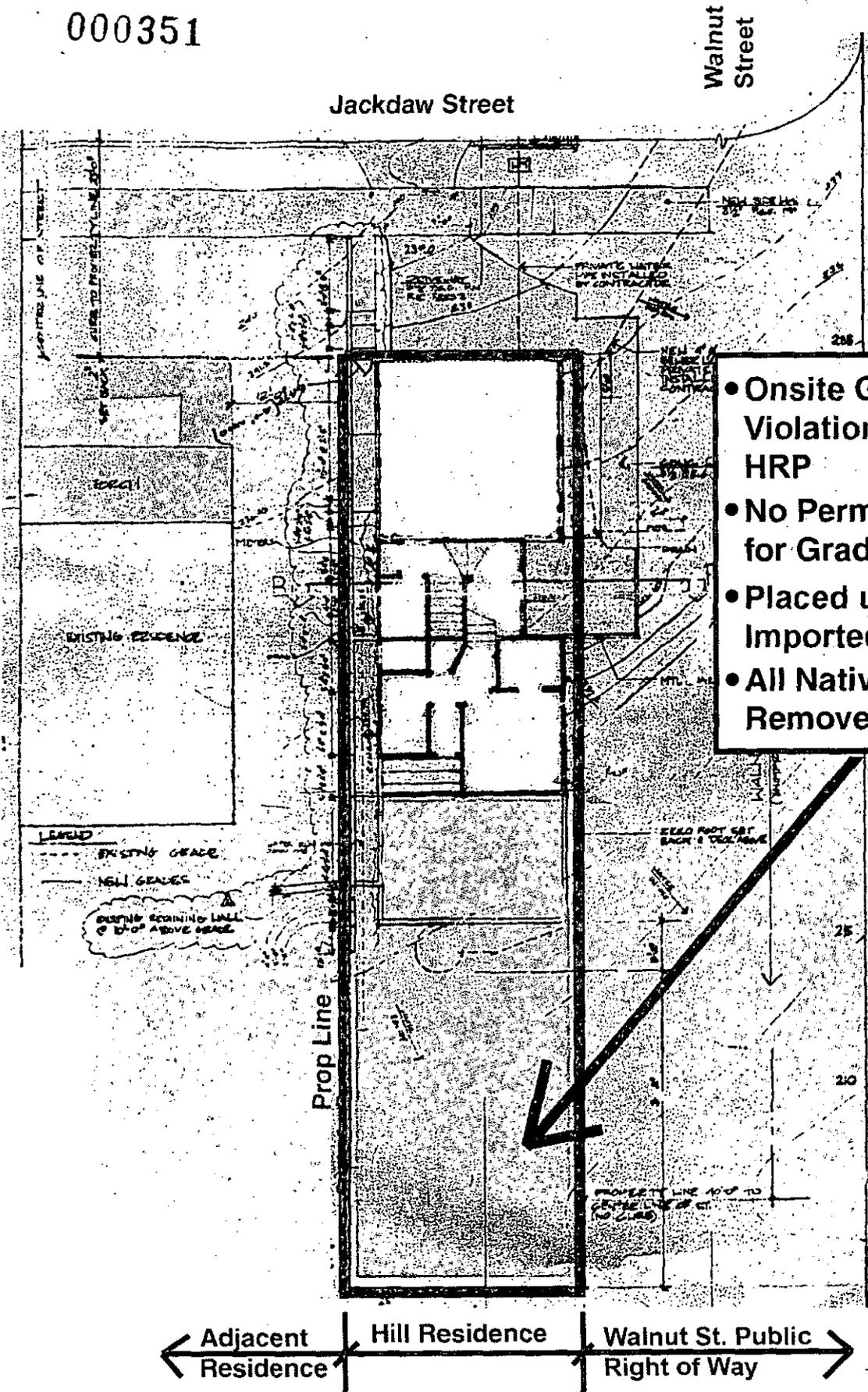


FIGURE B

000351



- Onsite Grading in Violation of approved HRP
- No Permit for Grading
- Placed up to 15' Deep Imported fill
- All Native Vegetation Removed

FIGURE C

2ND REASON FOR DENIAL

Below is a list of comments from City Staff and Planning Commission that recommend denial of the project as submitted.

Planning Commission: "The garage should not be enclosed." (Source is Planning Commission Recommendation)

Planning Commission: "The hillside should be returned to its prior existing condition." (Source is the Planning Commission Recommendation)

(Staff) Tracy Reed: "The proposal for the graded enclosed area (at rear of house) is inconsistent with the Community plan." (Source is the Initial project assessment letter) (Nothing has changed in the plans since this assessment letter.)

(Staff) Daniel Lottermoser: "No retaining walls or fill within Walnut Street is permitted." (Source is the Initial project assessment letter) (Retaining walls within Walnut Street still appear on the current submitted plans.)

(Staff) Joe Ecclesine: "The present sidewalk grade break located approximately at the southerly property line of (this site) is unacceptable. Please remove this segment and replace." (Source is the Second project Assessment letter) (The Current Submitted plans do not indicate this action.)

(Staff) Daniel Lottermoser: "Revise the topographic map/grading plan to clearly show grading as approved under the original Hillside Review Permit." (Source is the Initial project assessment letter) (The plans as submitted have not been revised to show grading as approved)

(Staff) Daniel Lottermoser: "Revise the grading plan to show the collective/discharge points for all site drains and the drainage patterns for the entire site." (Source is the Initial project assessment letter) (The Current Submitted plans do not indicate the collective/discharge points nor are drainage patterns noted)

(Staff) Georgia Sparkman: "Revise the building elevations and cross sections to show the 30' high envelope (i.e. 30 feet above pre-existing grade at all points)" (Source is the Initial project Assessment letter) (This does not appear on the plans submitted)

"Revise the building elevations and cross sections to label the elevation points at the highest point of the structure and at the lowest point of the property five feet out from the structure or at the property line, whichever is closer." (Source is the Initial Project Assessment letter) (These do not appear on the submitted plans) (Section A East West shows a point drawn 3.5 feet from building but is mislabeled as 5'-0") (Section A does not occur at the lowest point of the pre-existing grade at the South-west corner of the building)

3rd REASON FOR DENIAL

This project must meet the requirements for a HRP. It does not.

First requirement: The applicant must give evidence that the site is physically suitable for the design and siting of the proposed development.

{The fact that this project has a front yard setback of 0'-0" where 15'-0" is required, a sideyard setback of 0'-0" where 4'-0" is required, requires a variance for height (7'-6" over the allowable 30'-0"), a variance for the F.A.R. (1,057 S.F. over the allowable 1,436 S.F.) and extensive grading' importing fill up to 15' deep both onsite and offsite), and an Encroachment Removal Agreement within the public right of way to build a walkway from the street to the "Front Door" and retaining walls offsite in the public right of way...all pretty much speaks for itself about the suitability of the project to the site. **The project obviously does NOT fit the site.**}

The proposed development will result in minimum disturbance of sensitive areas.

{Importing soil to 15' depths infill both on site and off site and the construction of 6 retaining walls with wood steps offsite in the public right of way in areas where there is no record of permitted plans or approvals for such can NOT be considered to be "minimum disturbance"}

Second Requirement: Disturbed slopes are planted with native and self-sufficient vegetation. {The submitted plans do not reflect this}

Fourth Requirement: The proposed development is in conformance with the Open Space Element of the general plan, the Open Space and Sensitive land Element plan, and any other adopted applicable plan, and the zone.

{ Tracy Reed, City Staff Member: "The proposal for the graded enclosed area is inconsistent with the Community plan." (Initial project assessment letter) (Nothing has changed in the plans since this assessment letter.)}

A One Page History of the Project

What is wrong with this project?

This project has been in process with the City Of San Diego's Code Enforcement Division and Development Services going on 9 years now. It has been through 4 city attorneys, (The city attorney is brought in when the person cited by Code Enforcement refuses to respond in a timely manner.) and 4 project managers at Development Services. After being cited by code enforcement for violations of the building codes, the applicants requested approval for the as-built conditions under the SCR process. The city denied the request. The applicants then started the process for a partial street vacation of the adjacent paper street south of the property but the city also could not support this.

After having been submitted and denied twice at Uptown Planners, it was again re-presented to them and finally, and (at the prodding of a City Staff Member) approved by Uptown Planners, to expand the Encroachment Removal Agreement in an effort to get un-permitted offsite grading in the public right of way approved. No opposition appeared from the community at this meeting because **no prior notice was sent regarding this meeting.**

The approved plans on file with the city of San Diego show a house on a 2493 S.F. site that is open at the rear of the house below an overhanging living room. It shows an open carport. The plans state that the house is 29'6" tall above pre-existing grade and has an F.A.R. of .558 with 1385 S.F. These plans also show the rear yard to remain as undisturbed slope area and the adjacent paper street slope area to remain virtually untouched with the provision of a walkway in the right-of-way from the front of the house to the side door of the house. This door acts as the "Front door" of the house.

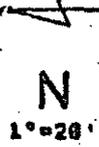
At some point during construction, in direct contradiction to the input the local planning committee and the general public had on this property, and the plans on file with the city of SD, the rear unenclosed area became enclosed, the house square footage increased substantially with no record of variance or public hearing. Soil was imported to the site up to 15' depth in fill, both on site and on the adjacent paper street hillside. There is no record of a permit or plans for the grading either on-site or on the adjacent hillside off-site public right of way. The applicant has stated that the existing grading plans they used (from a water utilities map grading plan) for approval were 5' off in actual height. (actual grades were 5' lower) (Source is Steve Hills "Supplemental Information in support of Amendment to HRP 88-0742, page 4.) The current submitted plans indicate this also. ("Water utilities map" section line vs "approximate actual existing grade 10/89" section line as shown in section A of the submitted plans)

Rather than go back to get the required permits and variances, they simply raised the grade, both onsite and offsite, with soil import and retaining walls. They claim that this was necessary because they found the site to be an old dump (see fig D) with loose uncompacted fill that necessitated the import of fill both on site and off. The

000355

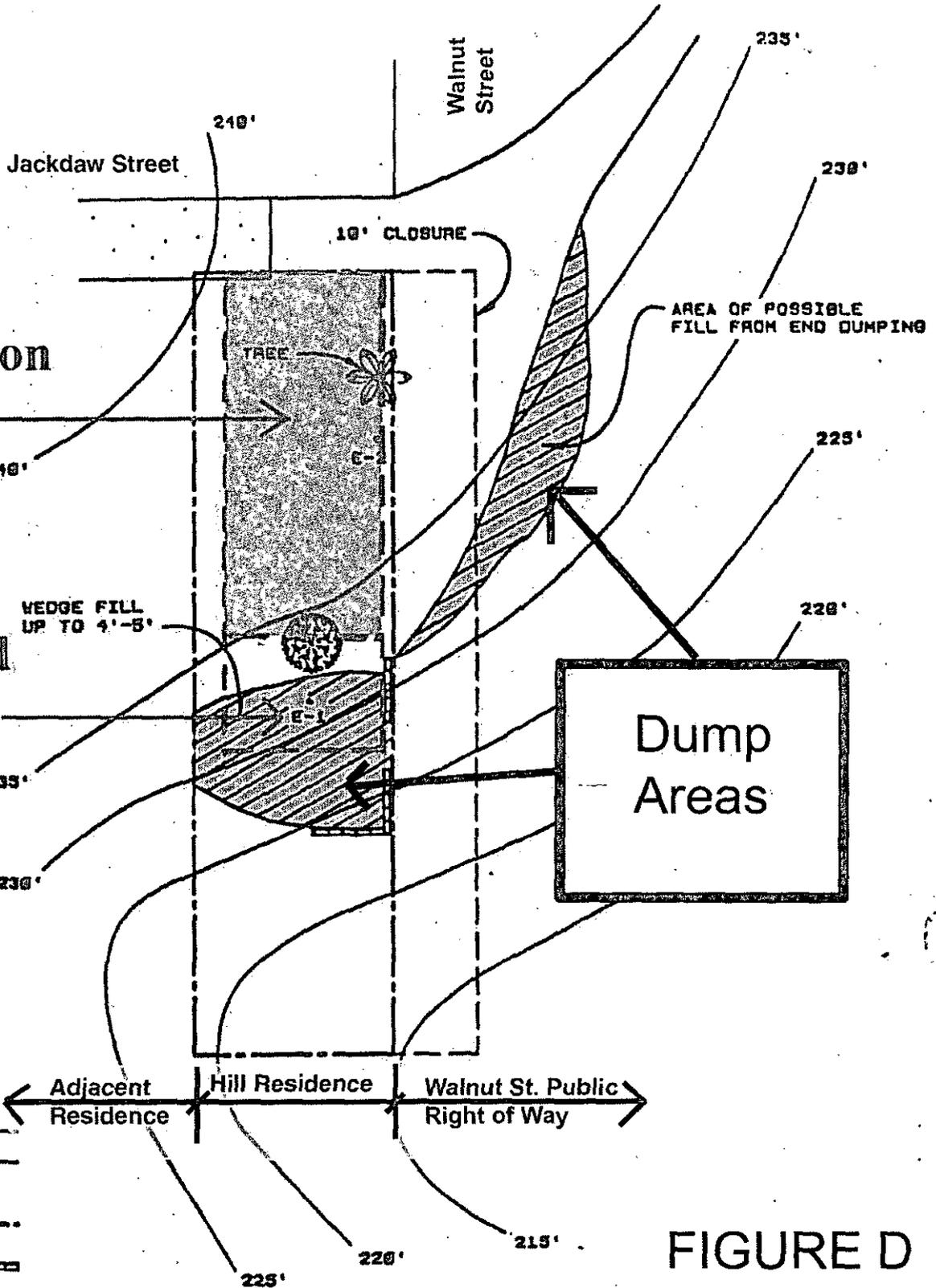
location of "dump" was in areas the approved plans designated to remain natural and ungraded. The result is a house that is approximately 37'-6" tall as measured from pre-existing grade 5' from the building. The hillside that was to remain undisturbed has been raised, padded out flat and lawn placed in the area of the natural planting on-site. Retaining walls were placed off-site in the public right of way and all natural planting removed. **The entire character of the hillside was destroyed.**

000356



Carport & Main portion of house

Unenclosed portion of house



LEGEND

- TOP OF SLOPE [Symbol]
- TOE OF SLOPE [Symbol]
- PAVEMENT [Symbol]
- SOILS EXPLORATION [Symbol]
- PROPERTY LINE [Symbol]
- RAILROAD TIE RETAINING WALL [Symbol]
- APPROXIMATE NATURAL CONTOURS [Symbol]

FIGURE D

BORING LOCATION SKETCH

**Corrections to Inaccuracies in the Report
submitted by City Staff to the Planning
Commission and the City Council**

The following letter was submitted to Staff project Manager Bill Tripp after the Planning Commission Hearing. The Report submitted to the Planning Commission is identical to the one submitted to the City Council. None of the inaccuracies have been corrected since the letter was written.

April 28, 2005

To: Bill Tripp
Development Services Dept.
1222 1st Ave
San Diego, CA 92101

From: Michael Herman
1783 Sunset Blvd.
San Diego, CA 92103

Re: Hill Residence Amendment to HRP-88-0742

Bill,

Thanks for keeping me up to date on the processing of the Hill Residence. I appreciate your efforts.

I have read the report issued April 15, 2005 (Report No. PC-04-182) that was submitted to the Planning Commission for the hearing that took place last week, April 21st, 2005 and have noticed some inaccuracies that you might want to correct before the hearing to the city council. If the city council were to make a decision based on incorrect information from the city staff, it would make that decision an easy target for a legal challenge.

I'll go thru the inaccuracies one at a time.

1. The last paragraph on page 3 that continues to page 4 infers that I purchased my property from a Mr. Stanfield. This is incorrect. I have no idea if he owned my

- property at 3504/08 Jackdaw at some time in the past but he is not who I purchased the property from. (Not that it really matters)
2. Page 5, the top paragraph states that the grade was lowered approximately five feet because of required excavation (and subsequent re-compaction). In fact, grade is never measured from a hole dug and then filled. The finish grade was raised not lowered (see Attachment 7, last sheet, section A). The applicant's architectural section bears this out. The applicant states that he did not survey his property prior to submission for initial approval. He used the grades from a utility map for his submission. He states the grades on the utility map were 5 feet off. Actual grades were 5 feet lower than what was shown on his approved plans on file with the city.
 3. Page 5, Project Description, states that fill soils were removed and infers that this is the cause of the lowered height. Again, the applicants' plans show that the finish grade was raised, not lowered. The cause of the lowered measurement is that the applicants' grades on his submitted plans were erroneous and were 5 feet off. The actual grade was 5 feet lower. (See Steve Hills "Supplemental Information in support of Amendment to HRP 88-0742, page 4)
 4. Page 6, "Building Height", 1st paragraph, states that finish grade was lowered. Again, this incorrect. See the applicants' plans and sections.
 5. Page 6, "Building height", 2nd paragraph, states that Exhibit A (which is attachment 12) (these are the approved plans on file with the city) shows an approved height of approximately 33 feet. This is incorrect. The second sheet, the site plan, in the lower left corner states that a maximum height 29'6" is planned.
 6. Page 6, "Floor Area", 1st paragraph, states that the residence will be increased to 2,076 sq. ft. It then says that this represents a FAR of 0.83. The FAR and square footage number is incorrect. (See attachment 5, pg 1, a, at the bottom of the sheet) The applicants' own plans state that the "existing+new+garage" would equal 2,483.5 sq. ft. (See attachment 7, 1st page of their submitted plans in the box labeled "Floor/Site Area Summary") It goes on to state that the proposed FAR would be 1.0. I have checked the plans, going on the measurements shown on the plans and have found this to be accurate. This misrepresentation of FAR to the planning commission greatly minimized the impact of the as-built residence and the impact of the proposed plans. This, alone, is cause for a legal challenge to a favorable decision to the applicant by the city council that is influenced by a planning commission recommendation based on erroneous information. At the least, it should be corrected in any report to the city council.
 7. Attachment 5, page 2, top paragraph, states that the new FAR will be 0.83. This is incorrect and should read 1.0.
 8. Attachment 5, page 4, #18, states the FAR will be 0.83. This should be corrected to read 1.0.
 9. Attachment 5, page 4, #22, states the FAR will be 0.83. This should be corrected to 1.0
 10. Attachment 6, page 2, 2nd paragraph, concludes..."The general hillside conditions did not change." While this observation is merely an opinion, it is ludicrous to say that bulldozing an entire hillside, both off site and on site, importing up to 16 feet of fill in a hillside area, did not change the conditions. I would suggest that, at the

- very least, the hillside conditions were very changed. All indigenous planting was removed, drainage patterns were changed and retaining walls were built.
11. Attachment 6, page 2, 3rd paragraph, states that the grade was lowered. This is incorrect. As stated previously, the finish grade was raised. The measurement lowering was the result of the incorrect grading plans used on the submittal plans where actual grades were 5 feet lower. (See Steve Hills "Supplemental Information in support of Amendment to HRP 88-0742, page 4)
 12. Attachment 6, page 3, Item #4, states that the "Existing and proposed improvements conform to..... the applicable community plan" How can this be? City Staff member Tracy Reed, in the initial project assessment letter states, "The proposal for the graded enclosed area is inconsistent with the Community Plan." Why the difference of opinion? From what I know of the community plan, Tracy Reed is correct.
 13. Attachment 6, page 6, top full paragraph, states that the grade was lowered. This is incorrect. The finish grade was actually raised. The city does not measure height from the bottom of a hole that has been dug and then filled. This is not part of any building code I am familiar with and I have been working on plans in the City of San Diego since 1976. Please, if I am wrong, show me where it says this in the code, so that I may enlighten myself and my fellow coworkers who, like me, work on plans daily that get submitted to the City of San Diego and other local cities. They are unfamiliar with this concept also.
 14. Attachment 6, page 6, item #2, states that overheight conditions were caused by previously dumped fills. As stated previously, the overheight conditions were caused by a discrepancy of 5 feet between actual existing grades and grades used on the submitted plans. The actual existing grades were 5 feet lower than the plans indicated. (See Steve Hills "Supplemental Information in support of Amendment to HRP 88-0742, page 4)
 15. The last is just an observation, on Attachment 14, the 1st page, C.H. Wood summarizes their work on the embankment as ..."soils have been placed to an approximate depth of 16 feet in the westerly portion of the site, in order to create a level building pad." The extent is obvious in comparing the approved plans on file with the city to the new (existing) condition. The change to the pre-existing hillside was dramatic.

Thank you for your consideration and I look forward to seeing you at the City Council hearing.

Sincerely,

Michael Herman

HEARINGS1 HEARINGS1 - Project # 15355

From: "Jay W. Richen" <jwrsun@cox.net>
To: <Hearings1@sandiego.gov>
Date: 6/15/2007 4:57 PM
Subject: Project # 15355

I live at 3521 Jackdaw St.

I am opposed to granting any variances to 3502 Jackdaw St.

They already use the public street as their private drive port. They park trucks a camper vans that block the other resident's view of the canyon.

Whatever happened to the ordinance to limit the parking of camper vans on public streets?

Joseph W. Richen
3521 Jackdaw St.
San Diego, CA 92103

jwrsun@cox.net

000363

HILL RESIDENCE - 3502 JACKDAW ST.

Neighborhood Response to Proposed Partial Street Vacation

RECEIVED
CITY CLERK'S OFFICE

07 JUN -5 AM 11:08

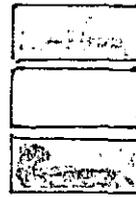
SAN DIEGO, CALIF.

KAC

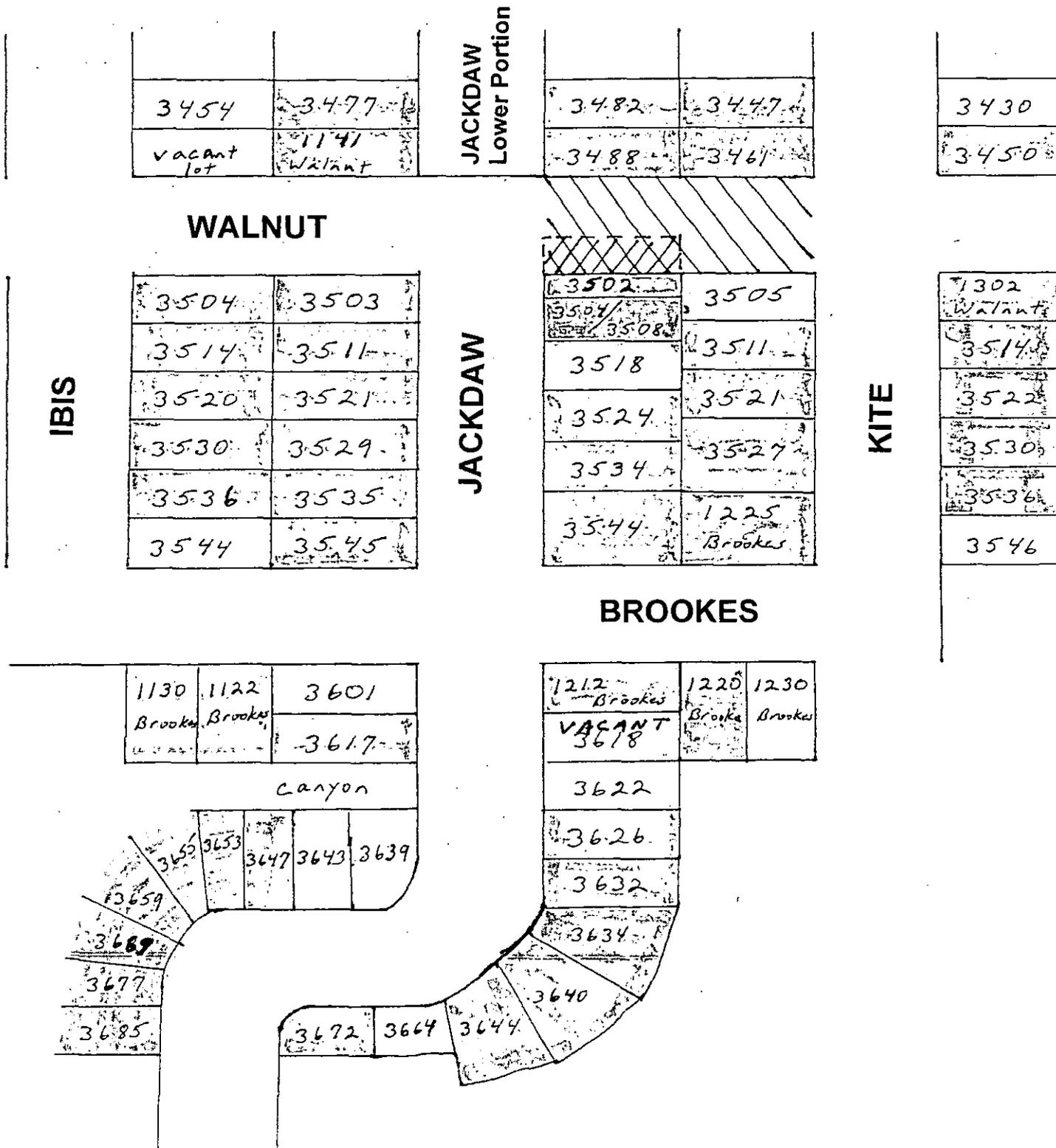
Support Street Vacation

Do Not Oppose Street Vacation

Oppose Street Vacation



No Color =
Not able to contact



I am familiar with and support the Hill's application (3502 Jackdaw St.) for posted street vacation which if granted will allow the fruit trees and other improvements in the canyon to remain in place, and allow them to build a playroom in the lower portion of the existing house.

NAME	ADDRESS	SIGNATURE
Ted Harelson	3669 Jackdaw St	Ted Harelson
S. Josh Bell	3672 Jackdaw St	S. Josh Bell
Kirsten Bell	3672 Jackdaw St	Kirsten Bell
Barbara Christensen	3659 Jackdaw St.	Barbara Christensen
SCOTT DELMAN	3634 JACKDAW ST	Scott Delman
Tami Nakahara	3634 Jackdaw St	Tami Nakahara
KATHLEEN GORMAN	3677 JACKDAW ST.	Kathleen Gorman
Michelle Harelson	3685 Jackdaw St	Michelle Harelson
Robert Wielage	3720 Jackdaw St	Robert Wielage
Kathleen Steinley	3647 Jackdaw St.	Kathleen Steinley
DAVID STROM	3653 JACKDAW ST	David Strom
Oliver Hoppey	3644 Jackdaw St.	Oliver Hoppey
Tom Mullany	3617 JACKDAW ST.	Tom Mullany
Fred Plavin	1220 W. Brookes Ave	Fred Plavin
Laura Scherberg	1220 W. Brookes Ave	Laura Scherberg
E. Chappell	3534 Jackdaw ST	E. Chappell
Arthur Curth	3524 " ST	Arthur Curth
S. Dalister	3545 Jackdaw St.	S. Dalister
Margaret Cole	3503 Jackdaw St	Margaret Cole
Melba Roberts	3482 Jackdaw St.	Melba Roberts
Roberta Adkins	3477 JACKDAW ST	Roberta Adkins
Lisa Busalacchi	1302 W. Walnut Ave.	Lisa Busalacchi
DEBORAH DOBSON	3414 1/2 Kite St	Deborah Dobson
Julie Ahar	3522 Kite St.	Julie Ahar
E. M. Brown	3536 Kite St.	E. M. Brown
NAOMI MOUNT	3536 KITE ST	Naomi Mount
Natasha McCoy	1225 N. Brookes Avenue	Natasha McCoy
Timothy Edwards	1141 W. Walnut Ave	Timothy Edwards
JOE HEAT	3504 IBIS ST	Joe Heat
DUCE BUSALACCHI	3514 IBIS ST	Duce Busalacchi
PAUL MARACIN	3536 IBIS ST	Paul Maracin
Lorna Mentzer	11227. Brookes Ave S.D.	Lorna Mentzer
Toni Karakaris	1130 W. Brookes Ave. San Diego	Toni Karakaris

Jean Farnucchi 3535 Jackdaw St. Jean Farnucchi
 John + Lydia Model 35290 Jackdaw St. Lydia Model

000367

From: "Jay W. Richen" <jwrsun@cox.net>
To: <wtripp@sandiego.gov>
Date: 4/13/2005 4:26:42 PM
Subject: project number 153355

I live at 3521 Jackdaw St. and I am opposed to your granting any variances or street vacations to Steven M. Hill at 3502 Jackdaw St.

Mr. Hill and his family have already been obtrusive and thoughtless in their use of their part of this end of Jackdaw St. They frequently park across the view of the canyon with one or more of their 5 vehicles, especially with a motor home during extended periods of the summer.

Please send me a copy of the staff report to the address below.

I hope all of the requests are denied.

Joseph W. Richen
3521 Jackdaw St.
San Diego, CA 92103

619-296-1664
jwrsun@cox.net

I am familiar with and support the Hill's application (3502 Jackdaw St.) for posted street vacation which if granted will allow the fruit trees and other improvements in the canyon to remain in place, and allow them to build a playroom in the lower portion of the existing house.

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PAUL MARACIN	3536 IBIS ST.	Paul Maracin
Lorna Kenterstein	11227. Brookes Ave S.D.	Lorna Kenterstein
Toni Karakaris	1130 W. Brookes Ave San Diego	Toni Karakaris
Jean Farnucchi	3535 Jackdaw St.	Jean Farnucchi
John + Lydia Krodol	3529 Jackdaw St.	John + Lydia Krodol

000371

H/L RESIDENCE 3502 Jackdaw

Neighborhood Response to Proposed Partial Street Vacation

Support Street Vacation

Do Not Oppose Street Vacation

Oppose Street Vacation



No Color =

Not able to

contact

