

RESOLUTION NO. 215445

R.76-1945

MAR 9 1976

WHEREAS, EDWARD B. HAYES, CHARLES E. FREDRICK, MR. and MRS. RICHARD SUTTON, MR. and MRS. DAVID BARRON, ELEANOR DIVINE, MAX GOLDSMITH, MR. and MRS. JOSEPH HARTNETT, MACKLIN HANNAN, MR. and MRS. CARL PITTS, and MR. and MRS. JOSEPH PEREUE, JR., appealed the decision of the Planning Commission in denying their appeals and upholding the decision of the Subdivision Review Board in approving the Tentative Subdivision Map of LA JOLLA SCENIC WEST, a 17-lot subdivision of a portion of Pueblo Lot 1264, located south of Hillside Drive and west of La Jolla Scenic Drive South, in the R-1-20 (HR Overlay) Zone; and

WHEREAS, said appeal was set for public hearing on March 9, 1976, and testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506, to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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

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That the City Council adopts findings of fact pursuant to Municipal Code, Section 102.0302.5, as follows:

1. That the proposed tentative subdivision map LA JOLLA SCENIC WEST (75-108) is fully consistent with the objectives, policies, general land uses and programs set forth in the applicable general and specific plans adopted by The City of San Diego, as required under California Government Code, Sections 66473.5 and 66474(a) and San Diego Municipal Code, Section 102.0207. The "Progress Guide and General Plan for The City of San Diego," adopted January 27, 1972, designates the subject property for "very low density," defined as less than 5 units per acre. The "La Jolla Community Plan" adopted April 13, 1967, designates the subject property for "low density," defined as 0 to 5 units per acre. The proposed "La Jolla Community Plan," dated September, 1975, designates the subject property for "very low density," defined as 0 to 5 units per acre, and as "open space." Said proposed tentative subdivision map, developing 17 residential lots conforming to requirements of the R-1-20 zone from 12.6+ acres, and preserving significant visible open space, is thus consistent with the applicable general and specific plans.

2. That the design or improvement of said proposed tentative subdivision map is fully consistent with the applicable general and specific plans as required under California Government Code, Section 66474(b). The adopted La Jolla Community Plan shows Hillside Drive on the "Street Proposals" Map of the Circulation Element as a collector street. The adopted plan states in part, "Padding and excessive cuts and fills for building sites and

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roadways should be regulated, so that the natural topography can be maintained as much as possible." The proposed La Jolla Community Plan states in part, "The development of parcels with 20% or more land having slopes of 35% or greater, for which four or more units are proposed, should involve development concepts which will preserve steep slopes . . ." and, "If slopes of 35% or greater are ever developed, the density should be very low, with minimum cutting and filling." Widening of the existing Hillside Drive to any approximation of public street standards would create an excessive cut and destroy a substantial part of the existing dense native shrubbery. To avoid the excessive cut, said proposed tentative subdivision map establishes the collector street near the top of the natural slope where grading to construct the street is minimized. In addition, padding of the lots by filling is not being proposed; it is contemplated that custom houses would be designed to fit the natural slope of each site. Compliance with the requirement to leave lots in natural condition insofar as possible and to build custom houses to fit the natural slope of each site can be privately regulated by a Declaration of Limitations, Restrictions, Conditions and Covenants to be recorded on the property, and can be publicly regulated by The City of San Diego HR ordinance requiring an HR permit for any grading within the HR zone.

3. That said proposed tentative subdivision map fully complies with all of the applicable design standards and criteria

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set forth in Chapter X, Article 2 of the San Diego Municipal Code and with the requirements of the applicable zone classifications contained in Chapter X, Article 1 of the San Diego Municipal Code.

4. That the subject site is physically suitable for the type of development as required under California Government Code, Section 66474(c) and San Diego Municipal Code, Section 102.0207. The City's general and specific plans specify residential development. Existing zoning is for residential development. Most of the adjacent property is used for residential purposes. Similar development has occurred for several years in the surrounding area without significant development problems. Availability of utilities, streets, transportation, schools and community service, indicate that the subject project is suitable for residential purposes. Custom homes can be built on the natural slopes. Further, geological investigations are required to be performed before final map approval.

5. That the subject site is physically suitable for the proposed density of development as required under California Government Code, Section 66474(d). The City's general and specific plans specify "low density" and "very low density," defined as 0 to 5 units per acre. The existing zoning is R-1-20 which specifies a minimum lot area of 20,000 sq. ft. The proposed map delineates 17 lots which fulfill all of the requirements of the R-1-20 zone and which are usable and desirable for construction of custom homes.

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6. That the design of the subject subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as required under California Government Code, Section 66474(e), The Environmental Impact Report for the proposed project, EQD No. 75-06-32 P, dated September 15, 1975, states in part, "A Declaration of Limitations, Restrictions, Conditions, and Covenants, to be applied to the property deeds of the subdivided lots stipulates that no native shrubbery shall be destroyed, damaged, or removed from the lots' rear yard areas without the approval of an Environmental Control Committee. This Committee, which is defined within the Deed Covenants and Restrictions, would consist of three persons, including a registered California architect. Provision to restrict loss of native vegetation, if adequately enforced, plus an added provision to prohibit rear yard fences which might obstruct the passage of area animals . . . could reduce this impact to an insignificant level." Hillside Review Permit No. 65, as approved by the Planning Commission on October 28, 1975, requires in part: "3. An Open Space Easement of approximately 50 feet in width shall be dedicated parallel to Hillside Drive on the subject property as shown on Exhibit A, on file in in the Planning Department, dated October 28, 1975."

7. That the design of said subdivision for the type of improvements are not likely to cause serious public health problems or problems affecting the public safety, as required under California Government Code, Section 66474(f) and San Diego Municipal Code, Section 102.0207. The subject subdivision

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improvements will connect to The City of San Diego Water Supply and Sewage Disposal Systems and so will not cause serious public health problems or problems affecting the public safety. No evidence was presented to indicate any health problems resulting from the proposed development.

8. That the design of said subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

9. That in regard to City Council Policies 600-10 and 600-22, adequate public school facilities will be available to said subdivision. The foregoing is evidenced by a letter dated August 27, 1975, from the Office of the Superintendent, San Diego City Schools, addressed to The City of San Diego Planning Department.

10. That portions of said subdivision lie within the HR (Hillside Review) overlay zone and are, therefore, subject to the requirements of, and review under, the provisions of the HR zone set forth in San Diego Municipal Code, Section 101.0454. Hillside Review Permit No. 65 has been issued by The City of San Diego with respect to the grading shown on said proposed tentative subdivision map. Any further grading of portions of said subdivision within the HR zone will remain subject to review and regulation thereunder.

11. That an environmental impact report has been certified by the Planning Commission on October 28, 1975, as being final

and complete, and that the conditions of approval of said proposed tentative subdivision map herein set forth will effectively mitigate the findings of said environmental impact report.

BE IT FURTHER RESOLVED, that the appeals of EDWARD B. HAYES, CHARLES E. FREDRICK, MR. and MRS. RICHARD SUTTON, MR. and MRS. DAVID BARRON, ELEANOR DIVINE, MAX GOLDSMITH, MR. and MRS. JOSEPH HARTNETT, MACKLIN HANNAN, MR. and MRS. CARL PITTS, and MR. and MRS. JOSEPH PEREUE, JR. is hereby denied, the decision of the Planning Commission is sustained and the approval of the tentative subdivision map of LA JOLLA SCENIC WEST is affirmed.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on MAR 9 1976,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution Number 215445 Adopted MAR 9 1976

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