

(R-90-286)

RESOLUTION NUMBER R-274098

ADOPTED ON JULY 25, 1989

WHEREAS, Cameron Moshtaghi, by Sandra J. Brower, Attorney, appealed the decision of the Planning Commission in denying Hillside Review/Resource Protection Overlay Zone Permit No. HRP/RPOZ 88-0854 submitted by Cameron Moshtaghi/Moshtaghi Development, Owner/Permittee, for two, two-story, single-family homes (4,600 square feet each) on separate parcels described as Parcels 1 and 2, Map No. 14043, located on Racetrack View Road, south and east of Jimmy Durante Way, west of Interstate 5, and north of Mango Way, in the Torrey Pines Community Plan area, in the R1-40000 zone; and

WHEREAS, the matter was set for public hearing on July 25, 1989, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this City Council adopts the following findings with respect to Hillside Review/Resource Protection Overlay Zone Permit No. HRP/RPOZ 88-0854:

1. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. Aside from the recompaction, the project proposes minimal grading

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to the site as a whole and through the proposed mitigation measures the project should not have an adverse impact upon the environmentally sensitive area.

2. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources. The conditioned mitigation measures along with the landscape plan mitigate impacts and provide adequate buffer.

3. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The project design was based mainly on recommendations from a geo-technical report which was conducted to alleviate any landslide hazards.

4. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The homes and landscape plans have been designed to be sensitive to the existing topography and landscape.

5. The proposed development will conform with The City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The project conforms to the open space designation of the General Plan and Community Plan and the project was approved by the Coastal Commission.

6. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas. The site has been previously disturbed and the amount of encroachment into sensitive slope area conforms to RPOZ.

7. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability or fire hazard which would affect health, safety, and general welfare as determined by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation. The mitigation measures which are conditions of the permit are designed to reduce any adverse environmental impacts.

8. The proposed development does not retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, and varied architectural treatments. The proposed homes do not retain the visual quality.

9. The proposed development is in conformance with the Open Space element of the General Plan, the Open Space and Sensitive Land Element of the community plan, any other adopted applicable plan, and the zone. An open space easement or dedication is taken on portions of the development site, as appropriate, after consultation with the Park and Recreation Department. The proposed project is in conformance with all applicable plans and contains an Open Space Deed Restriction on a majority of the two parcels.

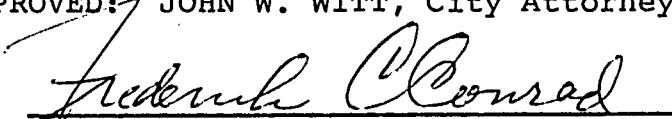
10. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines." The design of the project reserves the steepest and most sensitive area of the site to be left in a natural state. The geo-technical report has recommended the remedial and buttress grading to stabilize two landslide areas.

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

BE IT FURTHER RESOLVED, that the appeal of Cameron Moshtaghi, by Sandra J. Brower, Attorney, is denied; the decision of the Planning Commission is sustained, and Hillside Review/Resource Protection Overlay Zone Permit No. HR/RPOZ 88-0854 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

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Or.Dept:Clerk
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JUL 25 1989

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 2-274098 Adopted JUL 25 1989