

(R-90-1434)

RESOLUTION NUMBER R-274965

ADOPTED ON JANUARY 9, 1990

WHEREAS, Reza Paydar by Matthew A. Peterson, Attorney, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 88-0923 submitted by Reza Paydar, Owner/Permittee, for a single-family residence located at the westerly terminus of Clemson Circle, west of Rutgers Road, and is more particularly described as Parcel 2, Lot 14, Muirlands Vista Map No. 3133, La Jolla Community Plan area, in the R1-20,000/HR zone; and

WHEREAS, the matter was set for public hearing on January 9, 1990, 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 Coastal Development Permit No. 88-0923:

1. There are no existing or proposed public accessways crossing the site, neither are there any visual access corridors or vista points as identified on the adopted La Jolla Local Coastal Program Land Use Plan on or adjacent to the site. Therefore, the proposed development will not encroach on any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted La Jolla

Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal area from public vantage points.

2. The application proposes construction of a single family house on a hillside lot located approximately three quarters of a mile from the ocean. As such, the development will not adversely effect marine resources. No archaeological or paleontological resources have been identified in The City of San Diego's initial study under the California Environmental Quality Act. Therefore, the project will not adversely effect any such resources.

Sixty-one point thirty-eight percent (61.38%) of the parcel is covered by sensitive habitat (coastal sage/chaparral) slopes at or exceeding 25 percent. Based on this figure, an encroachment of 10 percent is allowed by The City of San Diego Coastal Hillside Review Overlay Zone Ordinance (Municipal Code section 101.0454) into the 25 percent or greater slopes and the sensitive habitat on the site.

The application proposes a 7.05 percent encroachment into 25 percent or greater slopes and sensitive habitat area, and thereby complies with the ordinance. The development would therefore not adversely affect environmentally sensitive areas.

3. The site is not allocated for hotel, retail or commercial development on the La Jolla zoning map or community plan. The site is also located outside the central commercial area of La Jolla. The proposed development will therefore not adversely affect recreational or visitor-serving facilities.

4. The adjoining neighborhood is characterized by predominantly single-story residences interspersed with some two-story structures (without basements) and some single- and two-story structures (without basements) with a maximum average floor area of 5,000 square feet.

Surrounding houses have low-pitched roofs punctuated by single chimneys with few architectural projections above the roofline. The building's floor area of 6,604 square feet and bulk are larger than the neighboring structures and the elevation of the site by grading and retaining walls, overly accentuates the building visually in comparison to adjoining residences which have a lower building profile. The house also proposes more stories (predominantly 2 story) than other houses in the neighborhood. Therefore, the proposed house is not visually compatible with the surrounding area. The development does not retain the visual quality of the site, the aesthetic qualities of the area and neighborhood characteristics by utilizing proper structural scale.

5. The proposed house is located next to a natural canyon which is designated as a sensitive habitat area containing coastal sage/chaparral communities. The building is proposed primarily in a previously disturbed/flatter area, outside the area of natural vegetation and slopes. The proposed deck, pool area, and landscaped area to the west of the house intrude minimally into the sensitive slope area 7.05 percent (see finding 2 above). The remaining portions of the site (65 percent) comprise the canyon slopes covered with native vegetation which

would be largely undisturbed by this proposal. The proposed development will therefore be sited and designed to prevent adverse impacts to environmentally sensitive habitats.

There are no adjacent parks and recreation areas.

6. Portions of the house (finished floor) will be elevated above the existing grade, retaining walls are also proposed to elevate the grade around the house. A fill slope is proposed on western side of the house. The Planning Department considers that the grading proposed to elevate the house as noted above exceeds the minimum necessary to locate a structure on the site and that alternative grading could be proposed which would result in a lower building profile. Therefore, as proposed the development grading will not minimize the alteration of natural landforms on the site.

The site, however, does not lie within a geological risk area as identified on the City's constraint maps (Series C-720). The proposal would be subject to the City's Fire Code. The proposed building would therefore not be subject to undue risk from geological and erosional forces and/or flood and fire hazards.

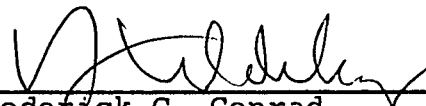
7. The proposal is not consistent with the La Jolla Community Plan and the La Jolla Local Coastal Program.

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 Reza Paydar by Matthew A. Peterson, is denied; the decision of the Planning Commission is sustained, and Coastal Development Permit No. 88-0923 is hereby denied.

APPROVED: JOHN W. WITT, City Attorney

By

  
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Frederick C. Conrad  
Chief Deputy City Attorney

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Or.Dept:Clerk  
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JAN 9 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input 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 *Rhonda L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

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