

(R-91-1378)

RESOLUTION NUMBER R-277240

ADOPTED ON JANUARY 22, 1991

WHEREAS, Lucia Forde-Murphy, et al,, appealed the decision of the Planning Commission in approving Coastal Development Permit No. 90-0533 submitted by Giuseppe Parente, Owner/Permittee, to demolish an existing single family home and construct a two residential unit structure located at 536 Palomar Avenue, and is more particularly described as Lot 30, La Jolla Gables, Map No. 1993, in the La Jolla Community Plan area, in the R-3000 zone; and

WHEREAS, the matter was set for public hearing on January 22, 1991, 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 Council adopts the following findings with respect to Coastal Development Permit No. 90-0533:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The subject site is over 1,600 feet from the ocean, therefore there are no coastal access points, nor will it obstruct views to and along the coast from any public vantage point.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

There are no marine resources on the site because it is over 1,600 feet from the ocean. The site is in a residentially developed neighborhood and is currently developed, therefore there are no environmentally sensitive areas or archaeological or paleontological resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (Section 101.0462 of the San Diego Municipal Code) unless by the terms of the Resource Protection Ordinance it is exempted therefrom.

The previously developed lot in the urbanized neighborhood has no biologically sensitive lands or significant prehistoric or historic resources.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

The site is not located adjacent to any recreational or visitor-serving facilities or coastal scenic resources, therefore

the proposed development will not have any affect on those facilities or resources.

5. 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 site is over 1,600 feet from the ocean and the public bikeway is over 200 feet away, therefore no buffer is required between the proposed use and any park uses.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

The site was previously developed and has no natural landforms. The replacement of the existing single-family home with a duplex will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

7. 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 proposed duplex will be visually compatible with the character of surrounding areas. The neighborhood is characterized by one-story homes. The proposed use would have the multi-story livable floor area to the rear of the one-story garages.

8. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.


The La Jolla Local Coastal Program states that "New buildings should be compatible with the scale and character of the surrounding development." Because the finding of visual compatibility can be made, the project is consistent with 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 Lucia Forde-Murphy, et al., is denied; the decision of the Planning Commission is sustained, and Coastal Development Permit No. 90-0533 is hereby granted to Giuseppe Parente under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:pev  
02/15/91  
Or.Dept:Clerk  
R-91-1378  
CDP:90-0533  
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 90-0533  
536 PALOMAR AVENUE

CITY COUNCIL

This coastal development permit is granted by the Council of The City of San Diego to GIUSEPPE PARENTE, an individual, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish an existing single family home and construct a two residential unit structure located at 536 Palomar Avenue, described as Lot No. 30 of La Jolla Gables Map No. 1993, in the R-3000 Zone.
2. The facility shall consist of the following:
  - a. Two residential units of 2,343 square feet each;
  - b. Landscaping;
  - c. Off-street parking; and
  - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than four off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated January 22, 1991, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit 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; and
  - b. The coastal development permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 22, 1991, on file in the office of the Planning Department. No change,

modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. 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 January 22, 1991, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. 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.
7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
8. This coastal development permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
9. This coastal development 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.
10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
11. 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.
12. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of curb and sidewalk adjacent to this site on Palomar Avenue, in a manner satisfactory to the City Engineer.
13. Prior to the issuance of any building permits, the applicant shall grant to the City a 7.5-foot-wide sewer easement adjacent to the northerly property line, satisfactory to the Water Utilities Director. No structures of any kind shall be built in or over the easement without first obtaining an Encroachment Removal Agreement from the City Engineer.

14. Prior to the issuance of any building permits, the applicant shall:
  - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208) for both units.
  - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
15. Unless appealed this coastal development permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.
16. This coastal development permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.
17. This project shall comply with the phasing and financing standards, policies and requirements relating to growth management in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances adopted by The City of San Diego after January 11, 1990.
18. 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.

APPROVED by the Council of The City of San Diego on January 22, 1991.

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor  
The City of San Diego

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

STATE OF CALIFORNIA    )  
                                  ) ss.  
COUNTY OF SAN DIEGO    )

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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.

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

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.

Giuseppe Parente  
Owner/Permittee

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
Form=p.ack

R 277240



JAN 22 1991

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Linda Sugano* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-277240** Adopted **JAN 22 1991**