

(R-93-593)

RESOLUTION NUMBER R-280664

ADOPTED ON SEPTEMBER 15, 1992

WHEREAS, Phil Chodur appealed the decision of the Planning Commission in denying Coastal Development Permit No. 90-1092 submitted by Philip Chodur, Owner/Permittee, for the construction of a single-family detached residence consisting of a total of 5,125 square feet of gross floor area (including an attached three car garage) with related site landscaping, decorative paving and a swimming pool on a portion of the 0.65-acre site, located at the southwest terminus of Ladybird Lane, between La Jolla Mesa Drive and Warbler Way and is more particularly described as Lot 15 of La Jolla Mesa Vista Map No. 3650, in the La Jolla Community Plan area, in the R1-8000 (portions of the Hillside Review Zone) Zone; and

WHEREAS, the matter was set for public hearing on September 15, 1992, 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. 90-1092:

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 LCP LAND USE

PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS."

The subject property is not identified in the adopted LCP Land Use Plan as a public accessway. The site is privately owned and therefore would not encroach upon any existing physical accessway legally utilized by the general public. In addition, the proposed structure would be stepped down the hillside to conform with the natural contours of the existing landform on the site in an attempt to minimize the obstruction of public views to the ocean from Ladybird Lane.

2. "THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES."

The Negative Declaration prepared for this project identified no significant environmental impacts occurring as a result of project implementation, including adverse impacts to environmentally sensitive areas, habitats, archaeological or paleontological resources. The project site is not located near the ocean and therefore would not adversely affect marine resources in the area.

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, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM."

The project site is located within the coastal zone and is therefore exempt from the Resource Protection Ordinance per requirements of the Municipal Code.

4. "THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES."

No coastal scenic resources or recreational or visitor-serving facilities presently exist or were identified for the area adjacent to and immediately surrounding the project site. Therefore, no mitigation would be required and no adverse impacts would occur as a result of project implementation.

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."

No adjacent public parks or public recreational areas presently exist or were identified for the area adjacent to and immediately surrounding the subject site. Therefore, no impacts to these resources would occur as a result of project implementation.

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 Negative Declaration prepared for this project concluded that no mitigation measures would be necessary to incorporate into the coastal development permit to reduce impacts associated

with geologic and erosional forces. The project site is not located within the FW (Floodway) or FPF (Floodplain Fringe) Zones.

The project would avoid significant impacts related to landform alteration by limiting grading activities to only those areas of the property outside of the Hillside Review Zone, or generally the flatter, previously graded portions of the site along the project frontage on Ladybird Lane. In addition, the sensitive slopes category of the property would remain undisturbed.

A brush management plan has been designed for the project in accordance with relevant requirements and guidelines of the City's *Landscape Technical Manual* to avoid any potential fire hazards to the proposed home and surrounding single-family homes.

7. "THE PROPOSED DEVELOPMENT WILL NOT BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS AND DOES NOT APPEAR THAT IT WILL ADEQUATELY RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS."

Although not visually degraded, the site would be visually enhanced through implementation of the project's landscape and brush management plan. The proposed project is visually compatible with the existing character of surrounding areas relative to housing type (single-family), bulk and scale.

In terms of bulk and scale, the proposed new structure includes a variety of architectural design elements, including articulated facades, varied window treatments, vertical and horizontal offsets, and enhanced site landscaping. These design

elements serve to complement the visual integrity of the new structure on this site and contributes significantly to project compatibility with existing single-family development in the surrounding neighborhood.

In addition to the desirable architectural elements described above, the site would not be significantly disturbed to accommodate the proposed structure. In fact, none of the natural steep slopes (25 percent or more gradient) on the site would be disturbed or graded to implement the project and the structure would be "stepped down" the existing hillside in accordance with recommended development standards of the Hillside Review Ordinance.

8. "THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS."

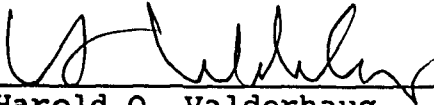
The proposed project is consistent with recommended land use, densities, design guidelines and development standards of the adopted La Jolla Community Plan, Local Coastal Program existing zone and the City of San Diego Progress Guide and General Plan.

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 Philip Chodur is granted; the decision of the Planning Commission is overruled,

and Coastal Development Permit No. 90-1092 is hereby granted to Philip Chodur, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
11/12/92
Or.Dept:Clerk
R-93-593
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 90-1092
LADYBIRD LANE

CITY COUNCIL

This permit is granted by the Council of The City of San Diego to PHILIP CHODUR, 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 develop a single-family residence on the subject property located at the southwest terminus of Ladybird Lane, between La Jolla Mesa Drive and Warbler Way within the La Jolla community plan area, described as Lot 15 of La Jolla Mesa Vista Map No. 3650, in the R1-8000 (portions in the Hillside Review) Zone.
2. The facility shall consist of the following:
 - a. One (two-story) single-family detached residence consisting of a total of 5,125 square feet of gross floor area (including an attached three-car garage) with enhanced paving and a swimming pool as identified by size, location and dimension on the approved Exhibits "A," dated September 15, 1992, on file in the Planning Department;
 - 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 three off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated September 15, 1992, on file in the office of the Planning Department. Parking spaces shall comply with San Diego Municipal Code Chapter X, Article 1, Division 8, and 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 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 September 15, 1992, 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 September 15, 1992, 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 permit 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 permit may be canceled 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 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. Unless appealed this permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.
13. This 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 San Diego Municipal Code section 105.0216.

14. 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.
15. Noise walls, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated September 15, 1992, on file in the office of the Planning Department, shall be permitted by an Encroachment Permit obtained from the City Engineer.
16. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
17. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
18. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a four-foot-wide sidewalk, adjacent to this site along Ladybird Lane, satisfactory to the City Engineer.
19. The driveway width shall be limited to twenty feet (40 percent of the frontage) and located a minimum of six feet from the side property line along Ladybird Lane.
20. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
21. This property may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the La Jolla Community Plan area.
22. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
23. Prior to the issuance of any building permits, the applicant shall obtain a Land Development Permit from the City Engineer for grading this site.

24. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
25. Prior to the issuance of any building permits, the Applicant shall work with the Planning Department to determine final location of the rear wall and guarantee that the wall will be buffered with the appropriate landscaping.
26. Prior to the issuance of any building permits, the applicant shall assure that the drainage from the pool (splash water) and house is directed toward the street (Ladybird Lane).

APPROVED by the Council of The City of San Diego on September 15, 1992, by Resolution No. R-280664.

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.

PHILIP CHODUR
Owner/Permittee

By _____

By _____

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

R 280664

Passed and adopted by the Council of The City of San Diego on SEP 15 1992,
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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-280664 Adopted SEP 15 1992

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