

(R-93-809)

RESOLUTION NUMBER R-280923

ADOPTED ON OCTOBER 20, 1992

WHEREAS, on July 27, 1992, the Subdivision Board voted to recommend that the Council of The City of San Diego approve Hillside Review Permit No. 91-0804 submitted by Darrell B. Bruce, an individual, Owner/Permittee, for the subdivision of an existing 18,470 square foot lot into two lots measuring 12,180 square feet and 6,290 square feet in a residential zone, located at 2352 Haller Street and more particularly described as Lot 11 of Hal-Spectrum according to Map No. 9332, in the Greater North Park Community Plan area, in the R1-5000 zone; and

WHEREAS, the matter was set for public hearing on October 20, 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 Hillside Review Permit No. 91-0804:

1. The site is physically suitable for development and the proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive areas.

2. Any 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 which would affect health, safety and

general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self-sufficient vegetation.

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.

4. The proposed development will retain the visual quality of the site, and will be visually compatible with the character of surrounding areas, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.

5. 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. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.

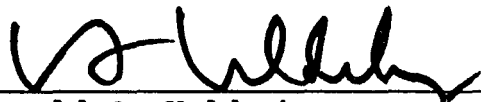
6. The proposed development is in conformance with the qualitative guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines" because it will not be detrimental to the natural and topographic character and identity of the area, environmental resources, the aesthetic qualities and restorative value of lands; it will protect the public health, safety and general welfare by insuring that it does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring.

The proposed development will allow for a reasonable use which complements the natural and visual character of the City.

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

BE IT FURTHER RESOLVED, that the recommendation of the Subdivision Board is sustained and Hillside Review Permit No. 91-0804 is hereby granted to Darrell B. Bruce, 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
12/18/92
Or.Dept:Clerk
R-93-809
Form=r.permit


HILLSIDE REVIEW PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 91-0804

HALLER STREET PROJECT

SAN DIEGO CITY COUNCIL

This Hillside Review Permit/Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to DARRELL B. BRUCE, an individual, Owner/Permittee, pursuant to conditions in Section 101.0454 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to subdivide an existing 18,470 square foot lot into two lots measuring 12,180 square feet and 6,290 square feet, located at 2352 Haller Street in the Greater North Park Community Planning area, described as Lot 11 of Hal-Spectrum in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9332 filed in the office of the County Recorder of San Diego County, August 20, 1979. The Project is in the R1-5000 Zone.
2. The Hillside Review Permit/Resource Protection Permit shall allow the following:
 - a. A 12,180 square foot lot with an existing two-story single family residence and garage.
 - b. A 6,290 square foot lot to be developed with a single family structure at a future date.
3. No activity authorized by this permit will be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department.
 - b. The Hillside Review Permit/Resource Protection Ordinance Permit is recorded in the office of the County Recorder.
4. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 20, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.

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5. 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 October 20, 1992, on file in the office of the Planning Department. Approved planting shall be installed before occupancy of the premises. 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.
6. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
7. This permit must be utilized within 36 months of the date of approval, failure to utilize this permit within 36 months will automatically void the permit unless extended under the provisions of section 101.454(H) of the Municipal Code. Any such extension must meet all regulations, policies and Municipal Code provisions in effect at the said time extension is considered.
8. This Hillside Review Permit/Resource Protection Ordinance Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
9. This Hillside Review Permit/Resource Protection Ordinance Permit is a covenant running with 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.
10. 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.
11. All public right-of-way improvements shown on Exhibit "A," dated October 20, 1992, shall be permitted by an Encroachment Permit obtained from the City Engineer.
12. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
13. Prior to the issuance of building permits, a noise analysis shall be required at such time that development is proposed on the project site. The analysis shall be prepared in accordance with the City's Acoustical Report Guidelines. A graphic showing the 60, 65, and 70 db(A) CNEL noise contours based on future traffic volumes shall be included in the report.

If adverse noise levels are identified, measures to reduce interior noise levels shall be included to reduce the interior noise levels to 45 db(A) CNEL. According to the City's Noise Abatement Office, standard building construction techniques attenuate noise by only 15 db(A). Three (3) copies of the acoustical analysis should be submitted to EAS for review by the Noise Abatement Office.

14. Prior to the issuance of building permits a negative open space easement shall be recorded in the Office of the County Recorder for the brush management occurring both on site and off site for the purposes of this permit. This open space easement will be consistent with the Brush Management plan marked Exhibit "A," dated October 20, 1992, and on file in the Planning Department and will be to the satisfaction of the Fire Marshall, the Planning Director and the City Engineer. The recordation of the open space easement shall occur prior to or concurrent with the recordation of the final map.
15. The Hillside Review Permit/Resource Protection Ordinance Permit shall comply with the conditions of the final map for Tentative Map No. 91-0804.
16. Clearances must be obtained from all concerned public utilities and franchise facility companies.
17. Easements must be reserved for all public utilities and franchise facilities.
18. Removal and replacement of the public improvements for Haller Street right-of-way must be accomplished in a manner satisfactory to the City Engineer.
19. This subdivision may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.
20. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
21. 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.

Passed and adopted by the Council of The City of San Diego on October 20, 1992, by Resolution Nos. 280923 and 280924.

AUTHENTICATED BY:

SUSAN GOLDING, 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 SUSAN GOLDING 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.

DARRELL B. BRUCE
Owner/Permittee

By_____

By_____

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

R- 280923

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OCT 20 1992

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"/> |
| 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 checked="" type="checkbox"/> | <input 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 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-280923 Adopted OCT 20 1992