

(R-93-1066)

RESOLUTION NUMBER R-281070

ADOPTED ON NOVEMBER 17, 1992

WHEREAS, Jennifer Sparks, et al., appealed the decision of the Planning Commission in approving Coastal Development Permit No. 91-0335 submitted by Dr. and Mrs. Yuan Lin, Owners/ Permittees, for the development of six single-family, detached dwellings, located at the eastern extent of Palomar Avenue, east of the Fay Avenue Bike Path and described as Lot 1 of the Sands PRD Subdivision Map 9842, in the La Jolla Community Plan area, in the R1-8000 Zone; and

WHEREAS, the matter was set for public hearing on November 17, 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. 91-0335:

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 ("LCP") Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The proposal shall provide for a bridge to ensure an uninterrupted bikeway. There are no public vantage

points identified on this site within the La Jolla Community Plan or LCP; however, no ocean views will be impacted.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The mitigated measures required as part of the Mitigated Negative Declaration DEP No. 91-0335 shall ensure that no adverse impacts shall occur to possible archaeological or paleontological resources. The coastal requirements set a minimum encroachment allowance into sensitive slopes for this site (12 percent). The project would encroach 9.5 percent. Therefore, the proposed is not considered to have an adverse affect on this resource.

3. The proposed development will comply with the requirements related to biological sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462). This section of the ordinance establishes maximum encroachments into biologically sensitive lands and hillsides. Subject property is allowed a 12 percent encroachment. The proposal will result in an approximate 9.5 percent encroachment. Therefore, the proposal complies with this requirement.

4. The proposed development will not adversely affect recreational or visitor-serving facilities nor coastal scenic resources. No such resources were identified on this site within the La Jolla Local Coastal Program.

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 project is designed to disturb the least amount of sensitive biology and hillside areas. Although there are no park and recreation areas adjacent to the site, the project is located near an existing bike path. However, the nearest proposed house will be setback approximately 65 feet and will be buffered by landscaping and a grade difference.

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 proposal includes cut and fill of four individual pads. As identified in the City of San Diego seismic safety study and the submitted geotechnic investigation, no geologic risks are anticipated.

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 units will be one and/or two-story detached individually designed single-family units, will incorporate architectural features that are found throughout the existing La Jolla Community and are similar in bulk and scale to existing dwellings within the surrounding area.

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

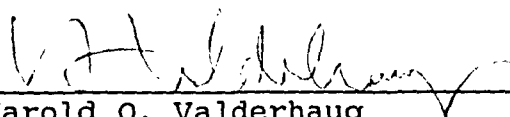
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Jennifer Sparks, et al., is denied; the decision of the Planning Commission is granted, and Coastal Development Permit No. 91-0335 is hereby granted with the reduction in density from six dwelling units to four dwelling units to Dr. and Mrs. Yuan Lin, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that all parties are encouraged to meet with the Planning Department so that if an assessment district can be formed then all parties can determine what properties can be bought with the monies.

BE IT FURTHER RESOLVED, that staff prepare documentation, in writing, as necessary, indicating provisions and conditions so that the remainder of the property can be designated and dedicated for open space.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
04/07/93
Or.Dept:Clerk
R-93-1066
Form=r.permit

PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT/
COASTAL DEVELOPMENT PERMIT/HILLSIDE REVIEW PERMIT NO. 91-0335
PALOMAR

CITY COUNCIL

This Planned Infill Residential Development Permit (PIRD), Coastal Development Permit (CDP) and Hillside Review Permit (HRP) is granted by the Council of The City of San Diego to DR. and MRS. YUAN LIN, Individuals, Owners/Permittees, under the conditions contained in Section 101.0930 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owners/Permittees to construct a Planned Infill Residential, Coastal Development and Hillside Review development described as Lot 1 of Sands P.R.D., Map 9842, located at the easterly end of Palomar Avenue, east of the Fay Avenue Right-of-Way, in the R1-8000 Zone.
2. The PIRD/CDP/HRP Permit shall include the total of the following facilities:
 - a. Four single-family, detached units;
 - b. Off-street parking;
 - c. A bike path bridge;
 - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property.
4. A "Non-building Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. Lot 5 will be deeded to the City at no cost to the City for open space purposes satisfactory to the Park and Recreation Director.
5. A negative open space easement shall be required on Lots 1 through 5 as shown on "Exhibit A," dated November 17, 1992, on file in the Planning Department. The intent of this easement is to maintain this area in its natural state. No grading, landscaping nor accessory structures nor uses shall be allowed within this easement.
6. Prior to the issuance of grading permits, a landscaping and irrigation plan shall be submitted to the Planning Director for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Planning Director for approval.

All plans shall be in substantial conformity to Exhibit "A," dated November 17, 1992, on file in the Planning Department. All landscaping shall be installed prior to issuance of an occupancy permit. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted.

7. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
8. Twelve (12) total parking spaces shall be provided (at a ratio of 3:1 spaces per dwelling unit). Of those spaces, four shall be provided for guests (at a ratio of 1:1 spaces per unit). Four curb spaces may be included in the calculation. Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for use of these off-street parking spaces.
9. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
10. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit. A letter of recommendation from the homeowners association shall accompany requests for Planning Director approval.
11. No manufactured slope shall be steeper than a ratio of 2:1.
12. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
13. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Planning Director and shall be consistent with the criteria established by the R1-8000 Zone.
14. A pathway shall be provided from the development to the bike path as shown on "Exhibit A," dated November 17, 1992, on file in the Planning Department, and approved by the Planning Director prior to the issuance of permits.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
16. The effective date of this permit shall be the date of final action by the Planning Director or the effective date of a concurrent rezoning case. If an appeal is filed, the effective date shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action. The 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 by the Planning Director, as set forth in Section 101.0930 of the Municipal Code. Any such extension of time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Director.
17. No development shall commence, nor shall any permit for construction be issued, 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.
18. The property included within this 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.
19. This permit may be canceled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City or Permittee.
20. This permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
21. All accessory structures more than 100 square feet require the approval of the Planning Director and must meet zoning criteria and Planned Infill Residential Development Permit Guidelines and Standards regardless of Building Inspection Department requirements for building permits.
22. All signs requested and proposed for this project shall conform to City Wide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.

23. This permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.
24. The use of textured 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.
25. This Planned Infill Development Permit incorporates a Coastal Development Permit and a Hillside Review Permit. This project becomes valid only after the Coastal Development Permit becomes effective.
26. The previously padded and disturbed area near the south end of Lot 7, shown on Exhibit "A," dated November 17, 1992, on file in the Planning Department, shall be regraded and revegetated to restore the area to a more natural state. This area shall be revegetated with maritime succulent scrub species similar in kind with what is native to the surrounding area. This restoration shall take place prior to the issuance of any occupancy permits.
27. The proposed split rail fence shall not be allowed.
28. The following mitigation measures are required per mitigated Negative Declaration No. 91-0335 to reduce the potentially adverse impacts of the proposed development on paleontological resources to a level below significant:
 - a. Grading plans and schedule shall be provided to a qualified paleontologist in advance of actual development.
 - b. A qualified paleontologist shall be retained to perform periodic inspections of excavations and, if necessary, salvage exposed fossils. The paleontologist shall be on-site during the original cutting of previously undisturbed sediments of potential fossil bearing formations. The frequency of inspections would depend on the rate of excavation, and the abundance of fossils.
 - c. The paleontologist shall be allowed to divert or direct grading in the area of any exposed fossil remains to facilitate evaluation of salvage, when necessary. At the time of discovery, the paleontologist shall immediately notify the Environmental Analysis Planning Department (EAS) staff of such findings. EAS staff shall approve salvaging procedures to be performed before construction activities are allowed to resume.

- d. Provisions for preparation and curation shall be made before the fossils are donated to their final repository.
 - e. All fossils collected should be donated to a public non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum.
 - f. As a condition of the PRD/CDP/HRP permit and prior to the issuance of building permits, a report shall be submitted to the Planning Department summarizing the results of the monitoring, even if negative.
29. The PIRD/CDP/HRP Permit shall comply with the conditions of the final map for Tentative Map No. 91-0335.
30. 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).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 - d. Provide temporary street signs.
31. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
32. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
33. In the event that any condition of this permit, on a legal challenge by the Owners/Permittees 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 November 17, 1992, by Resolution Nos. R-281070, R-281071 and R-281072.

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.

DR. AND MRS. YUAN LIN
Owner/Permittee

By _____

By _____

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

R. 281070

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NOV 17 1992

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 type="checkbox"/>	<input checked="" 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 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:

(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 *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R** 281070 NOV 17 1992
 Number Adopted

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

NOV 17 1992

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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:

(Seal)

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

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

By *Linda Luzano* Deputy.

Office of the City Clerk, San Diego, California

Resolution **R** 281070
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