

RESOLUTION NUMBER R-281071

ADOPTED ON NOVEMBER 17, 1992

WHEREAS, Jennifer Sparks, et al., appealed the decision of the Planning Commission in approving Hillside Review 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 Hillside Review Permit No. 91-0335:

1. The site is physically suitable for the design and siting of the proposed project and will result in the minimum disturbance of sensitive areas. Seventy-six percent of the 7-acre site contains slopes in excess of 25 percent. Approximately 83 percent of the site will not be effected by the proposal and less than 10 percent of the area to be graded will effect slopes in excess of 25 percent.

2. The 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. This proposal will be required to obtain a grading permit from the Engineering and Development Department. In addition, disturbed slopes will be planted with native and self-sufficient vegetation to reduce the risk of erosion.

3. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. By clustering the units and maintaining approximately 83 percent of the site as open space, the proposal will retain the visual and aesthetic qualities of the area. The project shall maintain the scale and character of the neighborhood by constructing four architecturally-individual detached units of one and two story styles.

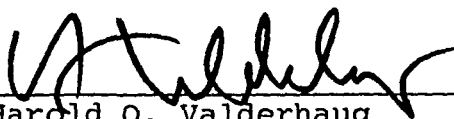
4. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the community plan, any other adopted applicable plan, and the zone. The project is clustering the units and maintaining a majority of the site as open space within an open space easement and negative open space easements which will maintain the undeveloped portions of the site in a natural state.

5. 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 the project is conforming and maintaining the hillside characteristics.

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 Hillside Review 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.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
04/07/93
07/09/93 COR.COPY
Or.Dept:Clerk
R-93-1067
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 negative open space easement shall be granted and shown on all areas not shown for building sites, as shown on Exhibit "A," dated November 17, 1992, on file in the Planning Department. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. 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. Lot 5 may be deeded to the City for open space purposes, at no cost to the City, at the request of the Owner and the agreement of The City of San Diego Park and Recreation Department.
5. 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, and shall be designed within substantial conformance to the "Design Guidelines" which are a part of Exhibit "A." 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.

6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
7. 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.
8. 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.
9. No building additions, including patio covers, shall be permitted unless approved by the Planning Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
10. No manufactured slope shall be steeper than a ratio of 2:1, except as approved by the City Engineer.
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
12. 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.
13. 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.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of final action by the City Council. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. This permit allows the sale of individual lots for the purpose of construction of residential units consistent with conditions and exhibits of the permit.

23. 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.
24. 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.
25. The previously padded and disturbed area near the south end of Lot 5, 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.
26. The proposed split rail fence proposed adjacent to the bike path shall not be allowed.
27. 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.
28. The PIRD/CDP/HRP Permit shall comply with the conditions of the final map for Tentative Map No. 91-0335.
29. 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.
30. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
31. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
32. 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.

CORRECTED COPY

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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"/>
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

Clerk of The City of San Diego, California.

By *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R. 281071** Adopted **NOV 17 1992**