

(R-93-1069)

RESOLUTION NUMBER R-281073

ADOPTED ON NOVEMBER 17, 1992

WHEREAS, Jennifer Sparks, et al., appealed the decision of the Planning Commission in granting Tentative Map No. 91-0335 submitted by Dr. and Mrs. Yuan Lin for a subdivision of a seven-acre site into seven lots (Palomar Project) for the construction of six detached, single-family units, located at the eastern extent of Palomar Avenue, east of the Fay Avenue Bike Path and described as Lot 1 of Sands PRD Map No. 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 Tentative Map No. 91-0335:

1. The map proposes the subdivision of a seven-acre site into five lots for residential development. This type of development is consistent with the General Plan and the La Jolla Community Plan which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning and development regulations of the R1-8000 zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, except as allowed under a Planned Infill Residential Development/Coastal Development Permit/Hillside Review Permit (PIRD/CDP/HRP).

b. All lots meet the minimum dimension requirements of the R1-8000 zone, except as allowed under a PIRD/CDP/HRP.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a PIRD/CDP/HRP.

d. Development of the site is controlled by Planned Infill Residential Development/Coastal Development Permit/Hillside Review Permit No. 91-0335.

3. The design and proposed improvements for the subdivision are consistent with State Map Act section 66473.1 regarding the design of the subdivision for future passive or natural heating and cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision and the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings in Mitigated Negative Declaration DEP No. 91-0335 which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as needed public services and facilities are available or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

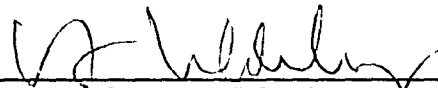
9. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by

the City Engineer, in accordance with financing and environmental policies of the City Council.

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 Tentative Map 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, subject to the conditions 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
Or.Dept:Clerk
R-93-1069
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CITY COUNCIL CONDITIONS FOR
TENTATIVE MAP NO. 91-0335

1. This tentative map will expire November 17, 1995.
2. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769635.

3. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
4. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
5. Every final map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

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6. Undergrounding of existing and/or proposed public utility systems and service facilities is required according to San Diego Municipal Code Section 102.0404, Subsection 2.
7. The subdivider must provide a geological reconnaissance on the subject property to determine the stability of the soil. All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code Section 62.0410 et seq.
8. The subdivider shall revest the access rights in the driveway location along Fay Avenue, adjacent to this site, satisfactory to the City Engineer.
9. The bike path bridge shall meet CalTrans design standards, shall have a clearance height of a minimum of 14 feet, and shall provide bike access to bike path and driveway and railings no less than 4.5 feet high, satisfactory to the City Engineer.
10. The subdivider shall provide a walkway to the public sidewalk on Palomar Avenue, satisfactory to the City Engineer.
11. The subdivider shall obtain an Encroachment Removal Agreement for private facilities, driveway landscaping, and cribwall within the right-of-way, satisfactory to the City Engineer.
12. The subdivider shall provide a fair share contribution toward the drainage improvements at La Jolla Boulevard, satisfactory to the City Engineer.
13. The subdivider shall provide new curb, gutter, and sidewalk along the Palomar Avenue cul-de-sac, satisfactory to the City Engineer.
14. This development shall be served by an unnamed, private driveway, satisfactory to the Fire Department and the City Engineer.
15. The subdivider shall grant open space easements and abandon the existing open space easements, satisfactory to the Park & Recreation Director.
16. Lot 5 shall be granted as an open space easement, satisfactory to the Park & Recreation Director.
17. Lot 5 shall be landscaped with native plants and irrigated satisfactory to the Park & Recreation Director.

18. Water Requirements:

- a. The developer shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.
- b. The developer shall install a system of eight-inch water mains, satisfactory to the Water Utilities Director. If there are more than two (2) fire hydrants on a single-fed main, then the main must be looped.

19. Sewer Requirements:

- a. The developer shall install a system of gravity sewer mains of adequate capacity to serve this development.
- b. The developer shall provide calculations, satisfactory to the Water Utilities Director, to show that the size and grade of the sewer will provide adequate capacity and cleansing velocities.
- c. Any connections made to the 30-inch sewer in Fay Avenue must be through a manhole.

20. Water and Sewer Requirements:

- a. The developer shall provide evidence, satisfactory to the Water Utilities Director, showing that each parcel will have its own water service and sewer lateral.
- b. If on-site water and sewer mains are to be public, and if it is a gated community, the Water Utilities Systems Division of the Water Utilities Department shall have keyed access, satisfactory to the Water Utilities Director. The City will not be held responsible for any issues that may arise relative to the availability of keys.
- c. The developer shall provide CC&R's for the operation and maintenance of on-site private water and sewer mains that serve more than one lot. The developer shall provide private easements for the private mains.

21. The final map shall conform to the provisions of Planned Residential Development Permit No. 91-0335.

22. This property is subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code Section 102.0406 et seq. This

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property is also subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

23. 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.
24. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

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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

City Clerk of The City of San Diego, California.

By *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R* 281073 Adopted NOV 17 1992