

(R-94-262)

RESOLUTION NUMBER R-282512

ADOPTED ON AUGUST 10, 1993

WHEREAS, Hossein Zomorodi, Agent for Halifax Partners, Owner/Permittee, appealed the decision of the Planning Commission in denying Resource Protection Ordinance Permit No. 91-0626 (Halifax Estates), to construct 25 single-family detached dwelling units and provide 4.76 acres of open space in the Halifax Estates, and described as Lots 2615 and 2616 of Allied Gardens Unit 13, Map 3544, located on the east side of Halifax Street and north of Greenbriar Street, in the Navajo Community Plan area, in the R1-5000 zone; and

WHEREAS, the matter was set for public hearing on August 10, 1993, 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 Resource Protection Ordinance Permit No. 91-0626:

1. The proposed development will be sited, designed, and constructed to minimize, if not preclude adverse impacts upon sensitive natural resources and environmentally sensitive areas.

The natural habitat has been extremely degraded by impacts associated with the development of adjacent residential neighborhoods and Halifax Street, and invasive non-native species. The applicant has agreed to purchase like kind real

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property for the loss of 0.65-acre of Diegan Sage Scrub Habitat on-site through the City's Mitigation Banking procedures. As a condition of the permit, Resource Protection Ordinance Permit No. 91-0626, the applicant shall pay the assessed amount of \$13,706 to the City's Habitat Preservation Fund as compensation for loss of the Diegan Sage Scrub Habitat. This would mitigate direct impacts to biological resources below a level of significance.

2. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources. The site is not located near public parks or public open space areas.

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. No geological and erosional forces and/or flood and fire hazard have been identified on site.

As identified in Mitigated Negative Declaration No. 91-0626 the project proposes to excavate all fill and remove all undocumented materials such as the concrete chunks, and remediate any soil contaminants. The remaining dirt would be augmented by clean fill materials from off-site and recompact according to standard engineering techniques.

The project site is located in a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure.

However, no faults have been mapped on-site (City of San Diego, 1974). Proper engineering design of all new structures would ensure that the potential for geologic impacts from regional hazards would be insignificant.

The report also concludes that no unfavorable geologic structure was observed in the Friars Formation exposure along Halifax Street. An updated geotechnical investigation would be required before the issuance of grading and building permits for the project. Implementation of standard engineering practices would avoid significant impacts associated with geological and soil conditions.

4. 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.

Diversity and variety existing in the present neighborhood which is reflected in the architectural analysis will be continued with Halifax Estates. This diversity and variety is reflected in the five building perspectives and landscape plans. The project also provides varied setbacks, sidewalks and open space areas. The height and bulk would be consistent with the neighborhood.

5. The proposed development will conform with The City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs.

The proposed Resource Protection Ordinance Permit and is consistent with the General Plan and the Navajo Community Plan, which designates the area for residential use.

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

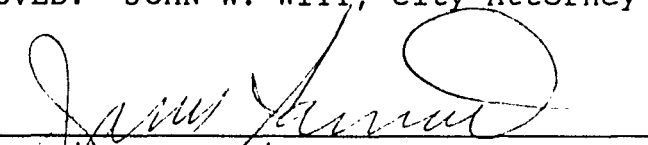
BE IT FURTHER RESOLVED, that the appeal of Hossein Zomorodi, Agent for Halifax Partners, is granted; the decision of the Planning Commission is overruled, and Resource Protection Ordinance Permit No. 91-0626 is hereby granted to Halifax Partners, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this resolution shall not become effective within the areas of the City within the jurisdiction of the California Coastal Commission until such time as the Commission unconditionally certifies these amendments as a Local Coastal Program Amendment.

BE IT FURTHER RESOLVED, that the Council of The City of San Diego hereby adopts and amendment to the Progress Guide and General Plan for The City of San Diego to incorporate the above amended plans.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino
Senior Chief Deputy City Attorney

JS:pev
08/24/93
Or.Dept:Clerk
1R-94-262
Form=r.permit

PLANNED INFILL RESIDENTIAL DEVELOPMENT PERMIT/
RESOURCE PROTECTION ORDINANCE PERMIT NO. 91-0626

HALIFAX ESTATES

CITY COUNCIL

This Planned Infill Residential Development/Resource Protection Ordinance Permit No. 91-0626 is granted by the Council of The City of San Diego to Halifax Partners, Owner/Permittee, under the conditions contained in Section 101.0930 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct a planned infill residential development described as Lots 2615 and 2616 of Allied Gardens, Unit No. 13, Map No. 3544, City of San Diego; and located on the east side of Halifax Street and north of Greenbriar Street, in the R1-5000 zone.
2. The planned infill residential development/resource protection ordinance permit shall include the total of the following:
 - a. Twenty-five detached single-family units;
 - b. Off-street parking;
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
 - d. Open space area of 4.76 acres shall be provided and maintained with a usable open space area of 1.03 acres.
 - e. All perimeter fences shall not be more than five feet in height.
3. Prior to the issuance of any building permits, a final subdivision map shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation, subject to the requirements of the City Attorney, Engineering and Development Director and Planning Director.
4. A "Nonbuilding 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.
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. All plans shall be in substantial conformity to Exhibit "A," dated August 10, 1993, 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 crib and retaining wall footings shall be designed to provide adequate planting for proposed trees and shrubs.
7. Slopes shall be revegetated and irrigated in accordance with the City of San Diego Landscape Technical Manual (Section 7.2-3) and the Mitigated Negative Declaration, DEP No. 91-0626.
8. The developer will pay for an independent qualified firm to conduct test borings in an effort to detect any hazardous materials buried at the proposed construction site. Core samples are to be taken at sites deemed necessary as well as in locations where eyewitnesses say hazardous material was buried. The developer is to make a concerted effort to contact the following people for this information:

Bob Gear	583-1046
William Wade	287-4466
Al April	582-8273
Dick Chase	583-1286
L. Scott	582-0956
Bart Boyer	583-4256
9. The developer shall pay for and have a qualified soil engineer/contamination and toxic disposal engineer. He shall be on site at all times to supervise all grading and safe removal and disposal of dirt and any hazardous material, if found.
10. Prior to the issuance of the land development permit, test borings will be performed on the site, with the intent of looking for hazardous materials. Said studies to include all elements in a standard Phase II environmental study.
11. The finished floor elevations shown on the site plan, Exhibit "A," dated August 10, 1993 shall be lowered by three feet on Lots 9 through 22.
12. All houses shall have rain gutters with adequate sub drains to carry off water shed from roofs to curbs or storm drains.
13. The roofs shall be multi-colored/varied color, not a solid color.

14. Periphery fencing, where required, shall be wrought iron.
15. All open space areas shall be planted and maintained by the developer for four years to guarantee good established growth.
16. Contractor shall furnish to adjacent property owners a construction schedule. When earth moving is going on, the soil should be kept wet to preclude too much dust.
17. Developer shall do the necessary investigation to evaluate the ground water problems, both subterranean and surface seepage. This includes, but is not limited to, the southwest end of the project. These water issues shall be properly remedied.
18. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.
19. Fifty total parking spaces shall be provided (at a ratio of two spaces per dwelling unit). Of those spaces, Eighteen curbside shall be provided for guests. 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. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated August 10, 1993. 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.
20. 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.
21. 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.
22. No manufactured slope shall be steeper than a ratio of 2:1.
23. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.

24. 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 R1-5000 zone.
25. Sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk.
26. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
27. The effective date of this permit shall be the date of final action by the City Council 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 City Council 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 Commission, 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 Commission.
28. 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;
 - b. The Planned Infill Residential Development Permit is recorded in the Office of the County Recorder.
29. The property included within this planned infill residential 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.
30. This planned infill residential development 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.
31. This planned infill residential development 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.

32. All accessory structures less 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.
33. Unless otherwise provided specifically within this permit, 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.
34. This planned infill residential development shall be constructed prior to sale to individual owners to ensure that all development is consistent with conditions and exhibits submitted to and approved by the City Council.
35. 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.
36. The timely landscaping of the slopes identified herein is considered to be in the public interest and the developer shall initiate such landscaping within 90 days from the date that the grading of the designated slopes is deemed to be complete. Such landscaping and the supporting irrigation systems and appurtenances shall be installed in accordance with the plans approved by the Planning Director and City Engineer and the landscaping shall be properly maintained to insure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements or establishment of a homeowners association which will assure responsibility for the landscape maintenance.
37. The slopes designated for timely landscaping as described above include all crib walls and manufactured slopes. All other slopes are to be landscaped as shown.
38. 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.
39. Noise wall, street trees, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated August 10, 1993, shall be permitted by an Encroachment Permit obtained from the City Engineer.

40. Prior to the issuance of any building permits, the developer shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) section 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC section 10.301)
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC section 10.207).
 - d. Provide temporary street signs.
41. The subdivider shall provide a system of walkways from each dwelling unit to the public sidewalk on Halifax Street, satisfactory to the City Engineer.
42. This subdivision shall be served by a system of non-dedicated, unnamed, private driveways, a minimum of 24 feet wide, satisfactory to the City Engineer. The turnaround at the end of Driveway "B" shall be a minimum of 70 feet long, satisfactory to the Fire Department and the City Engineer.
43. The private driveway entrance shall be a minimum of 20 feet wide on each side of the median. There shall be a 20-foot-minimum distance between the garages and the back of the walkway to assure a clear walkway while vehicles are parking in front of the garage. The subdivider shall eliminate the narrowing of the driveway at Lot 4.
44. All common areas and mutual driveways shall be designated as lots, satisfactory to the City Engineer.
45. The developer shall provide a downstream drainage study, satisfactory to the City Engineer, that demonstrates that no adverse impacts will occur to downstream properties as a result of the increased runoff from this development or, if substantial impacts are anticipated, what measures must be taken to mitigate such impacts.
46. A qualified soil contamination/disposal engineer shall be on hand to supervise the safe removal and disposal of any hazardous materials.
47. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been established to finance the public facilities required for the community plan area.
48. 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 96.0401 et seq.

49. 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.
 50. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time the building permit is issued.
 51. The following measures shall be implemented to mitigate the identified impacts to biological resources as identified within Mitigated Negative Declaration No. 91-0626:
 - a. The applicant shall pay the sum of \$13,706 (by means of a cashier's check payable to the City Treasurer) to the City's Habitat Preservation Fund, to compensate for the loss of 0.65 acres of Diegan Sage Scrub Habitat from the project site. This payment shall be made before the issuance of grading permits.
 - b. The Mitigation, Monitoring and Reporting Program shall be noted on grading plans. The plans shall be reviewed by the Environmental Analysis Section (EAS) to ensure that the required mitigation measure is provided.
- The above Mitigation, Monitoring and Reporting Program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.
52. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any federal, state or city laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).
 53. The permittee/applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
 54. In accordance with the City Council's direction, the following conditions are included as a condition of the grading permit:
 - a. All of the loose uncompacted fill soil be removed from the site and recompacted prior to site development, as per the Negative Declaration No. 91-0626.

- b. The 1979 geotechnical investigation recommendations and any further updates be included as a condition of approval.
 - c. The open space mitigation funding be directed to Mission Trails Regional Park.
 - d. The weeds be cut on the site prior to starting.
 - e. The soils engineer's return to the Navajo Community Planning Group, after completing the borings, to inform the community of the findings.
 - f. A written statement from the appropriate source (agency) stating that the area has been made free of hazardous waste.
 - g. Bonding before grading, if the borings find hazardous waste.
55. 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.

APPROVED by the Council of The City of San Diego on August 10, 1993 by Resolution Nos. R-282511 and R-282512.

passed and adopted by the Council of The City of San Diego on AUG 10 1993
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By Brenda B. Barnes Deputy.

Office of the City Clerk, San Diego, California

Resolution R-282512 AUG 10 1993
 Number..... Adopted