

RESOLUTION NUMBER R-289936

ADOPTED ON APRIL 7, 1998

WHEREAS, Ethel Bethea, Applicant, filed an application for a 4-lot parcel map to subdivide a .683-acre site into four lots, located at 302 Dale Grove Lane, and described as Lot 763 of Highland Park Estates Unit 7, map number 4509; in the Skyline-Paradise Hills Community Plan area, in the R-1-5000 Zone; and

WHEREAS, on January 22, 1998, the Planning Commission of The City of San Diego considered Tentative Parcel Map No. 96-0462, and recommended that the City Council approve the map; and

WHEREAS, the matter was set for public hearing on April 7, 1998, 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 Parcel Map No. 96-0462:

1. The map proposes the subdivision of a .683-acre site into 4 parcels for single family residential development. This type of development is consistent with the General Plan and the Skyline-Paradise Hills 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 not consistent with the zoning/development regulations of the R-1-5000 zone and a variance for Parcel 1 is being granted:

a. All parcels have minimum frontage on a dedicated street which is open to and usable by vehicular traffic.

b. All parcels, except one, meet the minimum dimension requirements of the R-1-5000 zone. Parcel 1 has a lot depth of 90 feet where the requirement is 95 feet.

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.

3. There are special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance:

There are existing, on-site, topographical constraints, specifically related to slopes and drainage, which limit the ability to apply strict application of the San Diego Municipal Code for minimum lot depth for Parcel 1. Parcel 1 has a lot depth of 90 feet where the required minimum lot depth is 95 feet. A variance to the minimum lot depth for Parcel 1 is required to address on-site drainage conditions by placing the rear property line of Parcel 1 on the top of an existing slope which runs down to the east away from the rear of Parcel 1 toward Shady Oak Road. This placement of the property line between Parcel 1 and Parcel 2 has been done so that all drainage

from Parcel 1 will be directed toward Dale Grove Lane to the west while the drainage from Parcel 2, which has incorporated the slope area, will be directed toward Shady Oak Road to the east.

4. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of the land or buildings and that the variance granted by the City is the minimum variance that will accomplish this purpose.

The placement of the rear property line of Parcel 1 at the top of the slope was required by The City of San Diego to prevent the drainage from one private property from flowing onto another private property. While the subject property could be subdivided into four lots which conform to all development regulations for lot size and dimension, the topographical constraints of the land are such that strict application of the code regulations could create a hardship for the owner of Parcel 1 to provide unnecessary drainage facilities and alteration of the site in order to redirect all drainage away from Parcel 2 toward Dale Grove Lane. In addition, if the drainage from Parcel 1 was allowed to flow onto another private property, it could create a hardship for the owner of Parcel 1 by accepting liability for any damages that may be caused to Parcel 2 by the runoff from Parcel 1. Due to the unique circumstances of the site, the 5-foot deviation from the lot dept is the minimum variance necessary to prevent the drainage from one lot from running onto another lot.

5. The granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The 5-foot reduction in the required depth of Parcel 1 is considered minor and reasonable due to the topographical constraints of the land and will have a minimum effect on the general purpose and intent of the zoning regulations for lot dimensions and size. The variance has been considered under the provisions of the City's zoning ordinance and is viewed as fulfilling the purpose and intent of the zoning regulations, and with conditions imposed, is not seen as injurious to the neighborhood or detrimental to the public welfare.

6. The granting of the variance will not adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted community plan for the area.

All the parcels on the proposed Tentative Parcel Map will meet all the development regulations of the San Diego Municipal Code except for the 5-foot reduction in the lot depth of Parcel 1. This single deviation is considered minor and not significant enough to adversely affect the Progress Guide and General Plan for the City of San Diego or the adopted Skyline-Paradise Hills Community Plan.

7. 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.

8. 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.

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

10. The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings in Mitigated Negative Declaration No. 96-0462, which is included herein by this reference.

11. 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.

12. 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.

13. The property contains a right-of-way which must be vacated to implement the final map in accordance with San Diego Municipal Code section 102.0307. The right-of-way was vacated by City Council Resolution No. R-289937 on April 7, 1998.

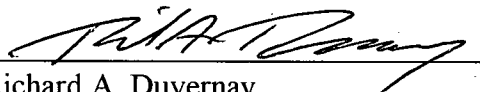
14. The City Council has reviewed the adopted Housing Element, the Progress Guide and General Plan of The City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the 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 decision of the Planning Commission is sustained, and Tentative Parcel Map No. 96-0462 is hereby granted to Ethel Bethea, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

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Or.Dept:Clerk  
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CONDITIONS FOR TENTATIVE PARCEL MAP NO. 96-0462  
CITY COUNCIL RESOLUTION NO. R-289936  
ADOPTED ON APRIL 7, 1998

1. This tentative parcel map will become effective with the approval of the street vacation and will expire three years thereafter. If the street vacation be denied, then this TPM shall be deemed denied.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the final map, unless otherwise noted.
3. 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.

4. "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).
5. "California Coordinate System" means the coordinate system as defined in Sections 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."
6. 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. 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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7. The approval of this tentative map by the City of San Diego does not authorize the subdivider 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.).
8. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with Sections 62.0401 - 62.0423 of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
9. The subdivider shall maintain a ten-foot curb-to-propertyline distance on Shady Oak Road.
10. Provide building address numbers visible and legible from street or road fronting property or a directory (UFC 901.44).
11. The drainage system proposed for this development, as shown on the approved tentative map, is subject to approval by the City Engineer.
12. The subdivider shall provide private drainage easements as required by the City Engineer.
13. The subdivider shall submit complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required street tree improvements and the erosion control for new slope areas. The landscape construction documents shall be in substantial conformance with Exhibit "A," dated April 7, 1998, Landscape Concept Plan, on file in the office of Development Services.
14. Prior to the recordation of the parcel map, the applicant shall assure by permit and bond the construction of landscaping per item #13 above.
15. Prior to the recordation of the parcel map or the issuance of any grading permit, the subdivider shall provide written verification that a qualified paleontologist has been retained to implement the paleontological monitoring program contained in the MMRP of the Mitigated Negative Declaration (LDR NO. 96-0462).

FOR INFORMATION:

- This development may be 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 property is also subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.



- This development 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 Development Services Manager.
- This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.