

RESOLUTION NUMBER R- 301530

DATE OF FINAL PASSAGE JUN 12 2006

WHEREAS, Foster Carr and David Englert, Owners/Permittees, filed an application with the City of San Diego for a neighborhood development permit to develop a portion of a 0.22-acre, single-family residence known as the Connolly Residence Project, located at 5242 Cromwell Court, and legally described as Lot 5, Indian Hills Subdivision, Parcel Map No. 1974, in the Mid-City Community Plan area, in the RS-1-7, RS-1-1, and OR-1 zones; and

WHEREAS, on April 25, 2005, the Planning Commission of the City of San Diego considered Neighborhood Development Permit [NDP] No. 6244, and Variance No. 6245, and pursuant to Resolution No. 3712-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUN 12 2006, 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 it adopts the following findings with respect to Neighborhood Development Permit No. 6244:

A. NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0404

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located within the Normal Heights Neighborhood Element of the Mid-City Communities Plan which designates the project site for Open Space and low density residential development at 1 to 5 dwelling units per acre. The project proposes to develop the 0.22-acre parcel with a single-family home therefore the proposed use of the property and the proposed density on the site would be consistent with the recommendations of the community plan. Further, the proposed design and location of the structure on the property would be consistent with the recommendations embodied in the plan for hillside development. Specifically, the project would minimize additional grading and landform alteration by situating the majority of the structure on the previously disturbed portion of the site. Therefore, the proposed development would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. The project proposes to develop the 0.22-acre parcel with a single-family home consistent with the recommended land use and density within the Mid-City Communities Plan. The project was reviewed in accordance with the California Environmental Quality Act [CEQA] Guidelines, whereby an Environmental Initial Study determined that the project would not have a significant adverse impact to the surrounding area. A Soils Investigation concluded that the potential for geologic hazards would be minimal and a Biological Report concluded that the project would not impact existing sensitive vegetation at the bottom of the slope. The project includes a Brush Management Plan designed to minimize fire hazards by reducing the fuel load on the slope through irrigated landscape treatments and selected thinning of the existing brush. The structure would be designed, constructed and inspected pursuant to the current additions of the Uniform Building Codes. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project proposes to develop the 0.22-acre parcel with a 4,352 square-foot single-family home. The site includes three different zone designations based on the fact that the site includes steep hillsides. The various zones are intended to limit or restrict development on the steeper portions of the site. The proposed structure is subject to the development regulations of the various zones as they are encountered on the site. The proposed design of the structure complies with all of the applicable development regulations of the underlying zones including the height, floor to area ration [FAR] and all required minimum setbacks. Therefore, the proposed development would comply with the applicable regulations of the Land Development Code.

B. SUPPLEMENTAL FINDINGS--ENVIRONMENTALLY SENSITIVE LANDS

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The property is located within a residential neighborhood and was previously developed with a single-family home. The site has been previously disturbed and includes a small graded building pad at the front of the lot near the street frontage. The previous home was

destroyed by fire in 1988 and remnants of the previous structure are present on the site in the form of non-compacted fill. A Soils Investigation has concluded that the site does not pose a significant risk of geologic hazard. The design of the project is consistent with the hillside design guidelines by minimizing the alteration of the natural landform and locating the structure on previously disturbed portions of the site. Additionally, the design of the home which includes a partial basement would be an effective solution to removing the non-compacted fill and developing the project on the natural subsurface comprised of the competent Linda Vista Formation.

Biological field surveys included a sensitive plant species assessment, a general wildlife survey, and impact analysis. The report determined that the proposed project site supports three vegetation communities including Coastal Sage Scrub, non-native grassland, and the remainder of the site is comprised of Urban Developed and Disturbed. No sensitive zoological species were detected during the survey and are not expected to occur on-site. All proposed development would occur in the areas identified as Urban Developed and Disturbed habitat. Direct impacts to the plant communities were not considered significant and no mitigation was required. Therefore, the site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project proposes to develop the 0.22-acre parcel with a single-family home. The structure is designed and located on the property in a manner that would minimize the alteration of the natural land forms by siting the structure on previously graded and previously disturbed areas of the site. The property was previously developed with a single-family home that was destroyed by the Normal Heights Fire in 1988. The vacant lot includes a flat building pad near the front of the lot along Cromwell Court. Further back and down the slope the site includes non-compacted fill that was the result of turning under remnants and debris from the original structure. The design proposes locating the structure near the front of the lot to take advantage of the flat area of the site. The design also proposes a basement that would effectively remove the non-compacted fill material and allow the structure to be built on the natural subsurface. The remaining portion of the natural hillside would not be disturbed and a Brush Management Plan would be provided to minimize the fuel load on the slope in the event of a fire. Therefore, the proposed development would minimize the alteration of the natural land forms and would not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

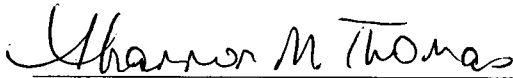
3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project proposes the development of a 4,476 square-foot home on a 0.22-acre site. The structure has been designed and sited to prevent adverse impacts to environmentally sensitive lands including the steep slope and the sensitive biological resources identified on the site and adjacent properties. The structure is sited on the previously disturbed portions of the site to minimize further grading and encroachment into the steep slope. A Biological Letter Report was included as part of the Environmental Initial Review process. Biological field surveys included a sensitive plant species assessment, a general wildlife survey, and impact analysis. The report determined that the proposed project site supports three vegetation communities including Coastal Sage Scrub, non-native grassland, and the remainder of the site is comprised of Urban Developed and Disturbed

habitat. No sensitive zoological species were detected during the survey and are not expected to occur on-site. All proposed development would occur in the areas identified as Urban Developed and Disturbed habitat. Direct impacts to the plant communities were not considered significant and no mitigation was required. Therefore, the proposed development would be sited and designed to prevent adverse impacts to any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The proposed project site is not located within, nor is it located adjacent to the Multi-Habitat Planning Area [MHPA] of the MSCP Subarea Plan. Therefore, this finding does not apply to the project.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that
Neighborhood Development Permit No. 6244 is granted to Foster Carr and David Englert,
Owners/Permittees, under the terms and conditions set forth in the attached permit which is made
a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

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Or.Dept:DSD
R-2006-984
MMS#3299

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Passed by the Council of The City of San Diego on JUN 12 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 12 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Maurel E. Ketchum, Deputy

Office of the City Clerk, San Diego, California
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