

(R-89-2635)

RESOLUTION NUMBER R-273734

ADOPTED ON JUNE 13, 1989

WHEREAS, Dr. and Mrs. Nicholas L. Schenk, appealed the decision of the Planning Commission in approving Valdes Partnership Coastal Development Permit No. 88-1108 submitted by Valdes Partnership, Owner/Permittee, for the construction of a 6,506 square foot single-family residence with a built-in three-car garage with variances to allow a three-foot front yard setback where a 15-foot setback is required and a 38-foot-wide driveway where a maximum 25-foot-wide driveway is permitted, the 14,743 square foot site is located on Valdes Drive and is described as Lot 28 of Ludington Heights, Map No. 2025, in the La Jolla Community Plan area, in the R1-8000 Zone; and

WHEREAS, the matter was set for public hearing on June 13, 1989, 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 Valdes Partnership Coastal Development Permit No. 88-1108:

A. Coastal Development Permit:

1. The proposed development will not encroach upon any existing or proposed public accessway. The proposed two-story development will be stepped-down the hillside.

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From Valdes Drive, the proposed development will appear to be one-story in height. The project will not obstruct views to or along the ocean or other scenic coastal areas from public vantage points.

2. As identified in Environmental Negative Declaration No. 88-1108, the project site does not contain marine resources, environmentally sensitive areas, archaeological resources or paleontological resources. Thus, the proposed development will not adversely affect these resources.

3. The project site does not contain existing or planned recreational facilities, visitor-serving facilities or coastal scenic resources. Thus, the proposed development will not adversely affect these resources.

4. The project site is not located on or near park or recreation areas. Thus, the proposed development will not adversely impact environmentally sensitive habitats or scenic resources located therein.

5. The proposed development will involve 90 cubic yards of fill and minimal excavation. The development will be stepped down the hillside and caissons will be utilized to minimize alterations of the natural landform. The project site does not contain geologic hazards according to the Coastal Zone Sensitive Slope Map (No. C-720). However, the site has a variable-to-moderate risk geotechnical rating according to the City of San Diego Geotechnical Feasibility

Maps. The project would be developed in accordance with standard engineering conditions and would not be subject to undue geologic hazards. The development will incorporate the City's brush management standards to minimize the potential for fire hazards and the site is not subject to flooding hazards.

6. The proposed project is a custom, single-family development in an area of custom, single-family homes. The two-story structure would be set in the hillside and would appear to be one-story in height from Valdes Drive. In addition, the project will preserve existing vegetation to the extent feasible. Thus, the proposed development will be visually compatible with the surrounding area.

7. The proposed development conforms to the San Diego Progress Guide and General Plan and the La Jolla Community Plan and Local Coastal Program Addendum.

B. Variances: (1) variance to allow a three-foot front-yard setback where a 15-foot setback is required; (2) variance to allow a 38-foot-wide driveway where a maximum 25-foot-wide driveway is permitted.

1. 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.

The project site slopes steeply down from Valdes Drive. In order to concentrate development near the road and minimize alteration of the lower portion of the site, a front yard variance is requested. This variance would allow the project to be closer to the front property line so that downslope encroachment could be reduced. In addition, a driveway width variance is requested to allow a driveway up to 38 feet within the required front yard. Valdes Drive curves sharply at the project site and poses a potential safety problem to vehicles exiting the project site. A variance is requested to provide adequate turn around room for cars exiting the garage.

2. The aforesaid circumstances or conditions are such that the strict application of the provisions of the ordinance would deprive the applicant of 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 proposed development is permitted under both the R1-8000 Zone and the La Jolla Community Plan and Local Coastal Program Addendum. The variance for a front-yard setback reduction will allow for reasonable use of the property while preserving much of the site in open space. In

addition, the requested 38-foot-wide driveway will provide a safe access pattern exiting the site.

3. 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 proposed variances will allow for reasonable use of the property and will conform to the general goals of the zoning regulations. Due to the steep topography of the area, many of the existing homes have reduced setbacks to permit development on the least sensitive portion of the site. Since 1947, 39 requests for reduced yards have been approved within the Ludington Heights Subdivision. In addition, in 1984, the Zoning Administrator approved a similar development on-site which observed a three-foot, front-yard setback.

The proposed variance to allow an increased driveway width will increase the safety of vehicles accessing and passing by the project site.

4. The granting of the variance will not adversely affect the Progress Guide and General Plan for the City of San Diego.

The proposed land use is consistent with the La Jolla Community Plan and Local Coastal Program Addendum and the Progress Guide and General Plan land use designations.

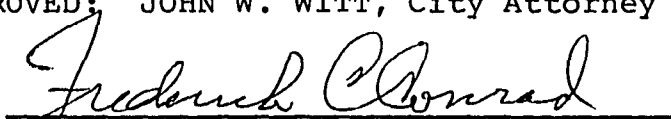
The property is zoned R1-8000 which permits a single-family home. In addition, the proposed single-family residence complies with the development regulations of the R1-8000 Zone and the use is consistent with the surrounding residential development.

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 Dr. and Mrs. Nicholas L. Schenk is denied; the decision of the Planning Commission is sustained and Valdes Partnership Coastal Development Permit No. 88-1108 is hereby granted, as modified by Council, to Valdes Partnership, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
08/07/89  
Or.Dept:Clerk  
R-89-2635  
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COASTAL DEVELOPMENT PERMIT AND VARIANCES NO. 88-1108  
VALDES PARTNERSHIP

CITY COUNCIL

The Coastal Development Permit and Variances are granted by the Council of The City of San Diego to VALDES PARTNERSHIP, Owner/Permittee, pursuant to Section 105.0200 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a two-story single-family residence coastal development located on Valdes Drive and in La Jolla, described as Lot 28 of Ludington Heights, Map No. 2025, in the R1-8000 Zone.
2. The facility shall consist of the following:
  - a. A 6,506-square-foot, single-family residence with a built-in, three-car garage;
  - b. Variance to allow a three-foot, front-yard setback where 15-foot setback is required;
  - c. Variance to allow a 38-foot-wide driveway where a maximum of 25 feet is permitted.
3. Not fewer than two off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated April 13, 1989, on file in the office of the Planning Department. Parking spaces shall comply with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to zoning ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Planning Department;
  - b. The coastal development permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to



Exhibit "A," dated April 13, 1989, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated April 13, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter-free condition at all times.
7. The property included within this coastal 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.
8. This coastal development permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
9. This coastal development permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
10. 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.
11. This proposal shall comply with the standards, policies and requirements of all ordinances in effect at the time of approval of this plan, and any successor ordinance, plan or policy imposing the same or similar requirements upon environmentally sensitive habitats, floodplains, hillsides, wetlands or coastal bluffs, which approval shall be binding upon all subsequent approvals and permits required for the development.
12. This coastal development 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 as set forth in Section 105.0216 of the Municipal Code.

13. This coastal development permit incorporates a variance to allow a three-foot, front-yard setback where a 15-foot setback is required, and a variance to allow a 38-foot-wide driveway where a maximum 25-foot-wide driveway is permitted. The variance shall not be valid until the coastal development permit becomes effective.
14. 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 June 13, 1989.

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No. 88-1108



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JUN 13 1989

Passed and adopted by the Council of The City of San Diego on .....  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Rhonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-273734 Adopted JUN 13 1989