

(R-90-1560)

RESOLUTION NUMBER R-275281

ADOPTED ON MARCH 13, 1990

WHEREAS, Torrey Pines Community Planning Group, by Opal Trueblood, et al., appealed the decision of the Planning Commission in approving Coastal Development Permit No. 89-0674 submitted by Daniel and Deborah Carnick, Owner/Permittee, to construct a two-story, 4,275 square foot single family residence on a vacant lot located on the east side of Via Grimaldi between Via Aprilia and Via Latina, and is more particularly described as Lot 8, Block 14, Del Mar Terrace, Map No. 1527, in the Torrey Pines Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on March 13, 1990, 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 Coastal Development Permit No. 89-0674:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use

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Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. There are no physical accessways crossing the site, there are no accessways identified in an adopted LCP land use plan which cross the site as well.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The project's location on an infill site in an urban area precludes any adverse impacts on marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

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

4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. The site does not contain nor is adjacent to any parks or

recreation areas as identified in the Local Coastal Plan or the Torrey Pines Community Plan.

5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The project proposes 855 cubic yards of cut grading, most of it within the building foot print. A majority of the naturally eroded bank will be preserved.

6. The proposed development will be visually compatible with the character of surrounding areas, and will restore and enhance visual quality in visually degraded areas. The project's bulk and scale were redesigned to be visually compatible with the character of surrounding areas. The third story element 12 feet from the south property line was moved back and redesigned to be 15 feet from the south property line.

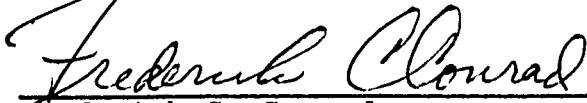
7. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs. The proposal, residential development, complies with the General Plan and the Local Coastal Program.

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 Torrey Pines Community Planning Group, by Opal Trueblood, is denied; the decision of the Planning Commission is sustained, and Coastal

Development Permit No. 89-0674 is hereby granted to Daniel and Deborah Carnick, 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  
03/29/90  
Or.Dept:Clerk  
R-90-1560  
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 89-0674  
CARNICK RESIDENCE

CITY COUNCIL

This Coastal Development Permit is granted by the Council of The City of San Diego to DANIEL CARNICK and DEBORAH CARNICK, individuals, 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 coastal development located on the east side of Via Grimaldi between Via Aprilia and Via Latina, described as Lot 8, Block 14, Del Mar Terrace, Map No. 1527, in the R1-5000 Zone.
2. The facility shall consist of the following:
  - a. A 4,275-square-foot single-family home with an attached 550-square-foot garage and a swimming pool;
  - b. Landscaping;
  - c. Off-street parking; and
  - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. 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; and
  - b. The Coastal Development Permit is recorded in the office of the County Recorder.
4. 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 March 13, 1990, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
5. 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 March 13, 1990, 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.

6. 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.
7. 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.
8. 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.
9. The use of texture 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.
10. 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.
11. Prior to occupancy of the building, the existing wall and driveway easement located along the eastern side of the property shall conform to the conditions of approval of the Zoning Administrator Variance C-19614, to the satisfaction of the Planning Director.
12. Prior to the issuance of any building permits, the applicant shall assure, in a manner satisfactory to the Water Utilities Director, a five-foot-wide sewer easement adjacent to the rear property line.
13. The subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for future street improvements on Via Grimaldi.
14. Unless appealed this Coastal Development Permit shall become effective on the eleventh day following the decision of the City Council.

15. 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.
16. 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 March 13, 1990.

FCC:lc  
03/28/90  
r-90-1560-p





MAR 13 1990

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Ron Roberts            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| John Hartley           | <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"/> |
| Linda Bernhardt        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 *Ellen Board* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275281* Adopted *MAR 13 1990*