

(R-94-504)

RESOLUTION NUMBER R-282644

ADOPTED ON SEPTEMBER 14, 1993

WHEREAS, on July 8, 1993, the Planning Commission recommended approval of Coastal Development Permit/Planned Commercial Development Permit No. 93-0200 submitted by Daniel Jensvold, an individual owner, Owner/Permittee, for a mixed use project that will remodel and convert an existing single-family residence into an office building and construct a one bedroom living unit, located at 2244 Carmel valley Road, on the corner of Carmel Valley Road and Via Borgia, and described as Lots 8 and 9, Block 3, Del Mar Terrace Map No. 1527, in the Torrey Pines Community Plan area, in the R1-5000 (proposed CN) Zone; and

WHEREAS, the matter was set for public hearing on September 14, 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 Coastal Development Permit/Planned Commercial Development Permit No. 93-0200:

1. Coastal Development Permit Findings

a. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an

RECEIVED  
CITY OF SAN DIEGO  
93 NOV -2 PM 3:14  
SAN DIEGO, CALIF.

adopted Local Coastal Program ("LCP") Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. This site is currently developed with a single family home and the proposed remodel and one unit addition will not effect or encroach on any existing accessway or public view.

b. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The site has been previously graded and developed and will not adversely affect any environmentally sensitive resources.

c. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), unless by the terms of the Resource Protection Ordinance, it is exempted therefrom. Due to the fact that the project site is located within the Coastal Zone it is exempt from the Resource Protection Ordinance.

d. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. The project site is not designated nor is it adjacent to any designated recreational or visitor serving facility.

e. 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 project is designed to preserve the existing landscape which buffers the remodeled structure from the lagoon.

f. 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. There is minimal alteration of the natural landform and no known fire hazard. The project site is across Carmel Valley Road from the Los Peñasquitos Lagoon, however the site is not within the Floodway nor Floodway Fringe Overlay zones.

g. 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. The proposed remodel will be of similar bulk and scale with surrounding development and is designed to be sensitive to the residential uses to the north and east.

h. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs. This project is subject to a rezone and Local Coastal Plan Amendment to the CN zone which if approved will render the project in conformance.

2. Planned Commercial Development Findings

a. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The proposed mixed use office building and one-bedroom unit conforms to the commercial land use designation of the Torrey Pines Community Plan and the General Plan.

b. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed mixed use project was designed to retain low scale or residential scale and residential architectural style in an effort to harmonize with adjacent development.

c. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed project will meet or exceed all development standards except for a designed deviation in the rear yard setback for the one-bedroom unit.


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 recommendation of the Planning Commission is sustained and Coastal Development Permit/Planned Commercial Development Permit No. 93-0200 is

hereby granted to Daniel Jensvold, 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 this project as a Local Coastal Program amendment.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:lc  
10/26/93  
Or.Dept:Clerk  
R-94-504  
Form=r.permit

COASTAL DEVELOPMENT PERMIT ("CDP") AND  
PLANNED COMMERCIAL DEVELOPMENT ("PCD") PERMIT NO. 93-0200  
SOLEDAD CREEK BUILDING

CITY COUNCIL

This Coastal Development/Planned Commercial Development Permit is granted by the Council of The City of San Diego to DANIEL JENSVOLD, an individual owner, Owner/Permittee, pursuant to Sections 105.0201 and 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Coastal Development/Planned Commercial Development located at 2244 Carmel Valley Road, on the northwest corner of Carmel Valley Road and Via Borgia, described as Lots 8 and 9, Block 3, Del Mar Terrace Map No. 1527, in the R1-5000 (pending Rezone to CN) Zone.
2. The facility shall consist of the following:
  - a. A remodel of an existing single-family residence to be converted into a professional office (office use allowed under CN Zone) building with limited low volume retail use (excluding medical, dental or high volume retail use, see Condition No. 14 of this permit) totaling 2,305 square feet and the construction of a 777-square-foot two-story living unit;
  - b. Landscaping;
  - c. Off-street parking; and
  - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. This permit shall not become effective unless and until rezoning of the subject property shall be approved by the City Council.
4. Not fewer than nine (9) off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated September 14, 1993, on file in the office of the Planning Department. Parking spaces shall comply with San Diego Municipal Code Chapter X, Article 1, Division 8, 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.

R- 282644

5. 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/Planned Commercial Development Permit is recorded in the office of the County Recorder.
6. 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 September 14, 1993, 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.
7. 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 September 14, 1993, 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.
8. 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.
9. This Coastal Development/Planned Commercial Development Permit may be canceled 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.
10. This Coastal Development/Planned Commercial 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.
11. 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.



12. 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. Further more, if any of the Torrey Pines within the front yard along Carmel Valley Road and the street side yard along Via Borgia die, they shall be replaced with a 24-inch (minimum size) box Torrey Pine or California Sycamore.
13. Prior to building permit or grading permit issuance the required fee for the Los Peñasquitos Watershed Restoration and Enhancement, pursuant to San Diego Municipal Code section 105.0209, shall be deposited with the Planning Department. The fee is based on the new graded area and impervious surface area created.
14. The proposed office building does not allow medical, dental or high volume retail use unless this permit is amended with the required off-street parking provided to the satisfaction of the Planning Director. A maximum total of up to 1,000 square feet of gross floor area of the 2,305-square-foot commercial office building may be used for low volume retail use such as an Art Gallery or a Custom Furniture Gallery to the determination and satisfaction of the Planning Director.
15. Prior to any building/demolition permit issuance the building plans shall be reviewed and approved by the Fire Department and the Planning Department.
16. Prior to the issuance of any building permits, the applicant shall grant to the City a five-foot-wide street reservation adjacent to this site for Carmel Valley Road, in accordance with City Council Resolution No. R-265125 and in a manner satisfactory to the City Engineer. Additional right-of-way may be required by the City when the alignment of Carmel Valley Road has been determined (see City Council Resolution No. R-265125). The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future street improvements to Carmel Valley Road.
17. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of five-foot-wide sidewalk on Carmel Valley Road and the installation of a pedestrian ramp at the corner of Carmel Valley Road and Via Borgia, satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the applicant shall dedicate and improve additional right-of-way to provide a 28-foot centerline-to-property-line distance for Via Borgia with a 20-foot property-line radius at the corner of Via Borgia and Carmel Valley Road, adjacent to this site, in a manner satisfactory to the City Engineer. Improvements

- for Via Borgia shall include curb, gutter, sidewalk and additional pavement as necessary. The curblineline shall be located 18 feet from centerline and may be tied into the existing 20-foot curb radius at the corner. The sidewalk may be transitioned at four to one (4:1) around the existing Torrey Pine tree.
19. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for retaining walls, enhanced pavement/pavers, and any other private improvements to be located in the public right-of-way. This condition does not constitute approval of the Encroachment Removal Agreement, which requires separate application.
  20. A portion of this project has been identified as being within a floodway or floodplain fringe area. In connection with approval of this project:
    - a. No fill on this site shall be permitted.
    - b. New sidewalk shall be constructed at existing grade.
  21. Prior to the issuance of any building permits, the applicant shall:
    - a. Ensure that building address numbers are visible and legible from the street [Uniform Fire Code ("UFC") 10.208].
    - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
  22. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
  23. 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 Director of Building Inspection.
  24. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
  25. Unless appealed this Coastal Development/Planned Commercial Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action. This condition shall be included in all permits appealable to the State Coastal Commission.

26. This Coastal Development/Planned Commercial Development Permit must be utilized within 36 months after the effective date. The project may proceed in three phases as described on the site plan (Exhibit "A," dated September 14, 1993). Each phase shall be commenced within 36 months after completion of the prior phase. Failure to utilize the permit in accordance with the requirements hereof will automatically void the permit unless an extension of time has been granted as set forth in San Diego Municipal Code sections 111.1211 and 101.0910(K).
27. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
28. The permittee/applicant shall comply with all requirements of the Uniform Building Code ("UBC") and secure all necessary building permits prior to construction.
29. All signs requested and proposed for this project shall conform to Citywide Sign Regulations and be administered by the Sign Code Administration Division of the Planning Department.
30. 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.
31. 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.).

APPROVED by the Council of The City of San Diego on September 14, 1993, by Resolution No. R-282644.



331C

Passed and adopted by the Council of The City of San Diego on SEP 14 1993  
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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

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

(Seal)

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

By Mayell G. Antenor, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-282644 Adopted SEP 14 1993