

11/12/99

RESOLUTION NUMBER R-291993

ADOPTED ON JULY 27, 1999

WHEREAS, Glen D. Larsen Sr. and Valerie I. Larsen, Trustees of the Glen D. Larsen Sr. and Valerie I. Larsen Trust, Owners/Permittees, filed an application with The City of San Diego for a permit to demolish eleven residential rental units and to construct a three-story building containing four residential units intended for sale as condominiums for the El Paseo Grande Condominium project, located at 8141 El Paseo Grande, and legally described as Lots 5 and 6, Block 33, La Jolla Shores Unit 5, Map 2108, in the La Jolla Shores Community Plan area, in the MF-2 zone; and

WHEREAS, on May 20, 1999, the Planning Commission of The City of San Diego considered Coastal Development Permit/La Jolla Shores Development Permit No. 98-1173, and voted to recommend City Council approval of the permit; and

WHEREAS, on June 4, 1999, Wendy von Kalinowski appealed the decision of the Planning Commission; and

WHEREAS, after approval of the above referenced project by the City Council, Glen D. Larsen Sr. and Valerie I. Larsen, Trustees of the Glen D. Larsen Sr. and Valerie I. Larsen Trust, Owners/Permittees, will transfer ownership of the property to Paseo Grande LLC, thereby making Paseo Grande LLC the new Owner/Permittee of the El Paseo Grande Condominium project; and

WHEREAS, the matter was set for public hearing on July 27, 1999, 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/La Jolla Shores Development Permit No. 98-1173:

**COASTAL DEVELOPMENT PERMIT (San Diego Municipal Code Section 105.0208)**

**A. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.**

The proposed development is not located on or adjacent to any existing physical accessways legally utilized by the public or any proposed public accessway identified in the adopted La Jolla/La Jolla Shores LCP Land Use Plan. The proposed development of a building containing four attached single-family residences intended for sale as condominiums, will not obstruct views to and along the ocean or other scenic coastal areas from public vantage points.

**B. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.**

The proposed development site does not contain marine resources, environmentally sensitive areas, or archaeological or paleontological resources. Thus, the proposed development would not affect these resources. This project has been exempted from provisions of the California Environmental Quality Act (CEQA) Guidelines, pursuant to Article 19 (Categorical Exemptions), Section 15303.3 (New Construction or Conversion of Small Structures).

**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.**

The proposed development site does not contain biologically sensitive lands or significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code section 101.0462). Thus, construction of the proposed building and related development would not effect such resources, and is therefore exempted.

**D. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.**

The proposed project site is not located on or adjacent to recreational or visitor-serving facilities or coastal scenic resources and therefore will not adversely affect such facilities or resources.

**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 proposed project site is not located on or adjacent to park and recreation areas and therefore will not have adverse impacts to environmentally sensitive habitats and scenic resources located therein.

**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.**

The property has already been developed with eleven rental units in an existing subdivision in an urbanized area of the City. The proposed demolition of these units and the redevelopment of the site with a three-story building containing fewer residential units, has been reviewed by City staff. Development will occur in a manner consistent with modern grading practices and will incorporate acceptable methods of construction to address geologic and erosional issues. The development will incorporate acceptable methods to address drainage and enable runoff to be directed into appropriate off-site facilities. There are no natural landforms remaining on or near the site. The aforementioned measures will preclude undue risks from geologic and erosional forces. The project site is not located in an identified flood and/or fire hazard area.

**G. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.**

The proposed development consists of a new, three-story building containing four units intended for use as single-family residences, to be sold as condominiums. Surrounding properties to the west and south have been developed with multiple-family residential structures. This development is compatible with the density regulations of the underlying zone which would allow a total of eleven units on this site. The proposed development of only four units enhances the compatibility of the project with existing single-family residences to the north and east.

The addition of the new structure, and associated landscaping and hardscape will be visually compatible with the character of the surrounding area. The La Jolla Shores Advisory Board, after reviewing the project at a noticed public meeting, has unanimously recommended its approval, determining that the development met the criteria and design standards in the La Jolla Shores Planned District Ordinance, as adopted by the City Council.

**H. The proposed development will conform with the City's Progress Guide and General Plan, the Local Coastal Program, and any other applicable adopted plans and programs in effect for this site.**

The proposed development is multiple-family and conforms with the General Plan, the La Jolla/La Jolla Shores Local Coastal Program, and the La Jolla Shores Planned District Ordinance. The development will comply with all applicable regulations of the Municipal Code including height, coverage, setback guidelines, and landscaping requirements. The ministerial building permit process will ensure its compliance with pertinent provisions of the Uniform Building, Plumbing, Mechanical, Fire, and related Codes.

The project meets all technical requirements set forth in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual relating to architectural style, variety and diversity in design, height, lot coverage, landscaping, originality, and no variances are required. The new three-story building will not disrupt the architectural unity of the neighborhood.

The project is consistent with the La Jolla Shores Planned District Ordinance which states that public rights-of-way and public places shall be protected. No public views will be impacted. Although some private views may be partially obstructed, the Municipal Code does not regulate private views. The adopted La Jolla/La Jolla Shores Community Plan designates the subject site for high density residential development. The proposed use will not adversely affect the General Plan, the La Jolla Community Plan or the La Jolla Shores Precise Plan.

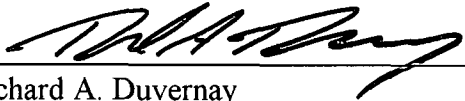
Council Policy 600-3 (Coastal Housing Program) requires that conversion or demolition of existing dwelling units occupied by persons of low- or moderate-income (as defined in California Government Code section 65590(b)) shall not be authorized unless and until provision has been made for replacement of those dwelling units with units affordable by persons of low- or moderate-income. This policy allows at the applicant's option, the provision of new housing opportunities through an in-lieu contribution to the Coastal Housing Fund. Condition No. 1 has been added to the permit to address this requirement, and, as provided for by Council Policy 600-3, the Agreement required by Condition No. 1 will be enforced by the Chief Executive Officer of the Housing Commission.

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 Wendy von Kalinowski is overruled, the recommendation of the Planning Commission is sustained, and Coastal Development Permit/La Jolla Shores Development Permit No. 98-1173 is granted to Paseo Grande LLC,

Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

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11/12/99 COR.COPY  
Or.Dept:Clerk  
R-2000-523  
Form=permitr.frm  
Reviewed by William C. Tripp

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING AND DEVELOPMENT REVIEW  
PERMIT INTAKE, MAIL STATION 501

**AND WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT AND  
LA JOLLA SHORES DEVELOPMENT PERMIT NO. 98-1173  
EL PASEO GRANDE CONDOMINIUMS  
CITY COUNCIL**

This Permit is granted by the Council of The City of San Diego to Paseo Grande LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 105.0202, 103.0300, 111.1001 and 102.0307. The 0.26 acre (11,200 sq. ft.) site is located at 8141 El Paseo Grande in the MF-2 (Multi-Family Residential) Zone of the La Jolla Shores Planned District and La Jolla/La Jolla Shores Community Plan Area. The project site is legally described as Lots 5 and 6, Block 33, La Jolla Shores Unit No. 5, Map No. 2108.

Subject to the terms and conditions set forth in this permit, permission is granted to Owners/Permittees to demolish eleven (11) residential rental units and construct a three-story building, containing four residential units intended for sale as condominiums described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated July 27, 1999, on file in the Office of the Planning and Development Review Department. The facility shall include:

- a. Demolition of 11 existing residential units (within three detached structures) and construction of a three-story building containing four residential units intended for sale as condominiums. Said condominiums to vary in floor area from 2,000 square feet to 3,800 square feet, and include four, two-car parking garages on the first floor; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

R.

**RECISSION OF PERMIT BY PROPERTY OWNER AND/OR APPLICANT PRIOR TO INITIATION OF USE/PERMIT**

Prior to issuance of a demolition permit(s), this Permit, granted by The City of San Diego may be rescinded by the Owner of the subject property at any time prior to the initiation of usage, as set forth in SDMC sections 105.0214, 103.0302.3(F) and (G), 111.1119, and 111.1122.

Such recission shall be initiated upon receipt by the Planning and Development Review Department of a written communication from the owner of the subject property to the Planning and Development Review Manager.

Upon receipt of the request the Planning and Development Review Manager shall cause preparation of a written declaration rescinding the Coastal Development, La Jolla Shores Development and Tentative Map (for Condominiums). The declaration shall be filed with the City Clerk, the Planning and Development Review Manager and the County Recorder of San Diego County. A copy of the declaration shall be mailed to the owner of the subject property. The permit(s) shall become void when the declaration is recorded by the County Recorder or 120 calendar days after the Planning and Development Review Department receives the written request, whichever occurs later. This option must be exercised prior to issuance of any demolition permit(s).

1. a. This project is required to comply with Council Policy 600-3 (Coastal Housing Program) as administered by the San Diego Housing Commission. The property owner/applicant/purchaser/developer as required, has executed a "Compliance Permit and Agreement Imposing Covenants and Restrictions on Real Property" with the Chief Executive Officer of the Housing Commission. Based upon a Housing Commission tenant income survey of existing residents, three (3) low or moderate income persons or families were identified. The survey result established the property owner's obligation to provide for three (3) replacement units in accordance with Policy 600-3. Said Compliance Agreement is recorded and provides for performance security to secure the provision of any required replacement units. **FAILURE TO SATISFY THE TERMS OF THE COMPLIANCE AGREEMENT SHALL DEEM THIS PERMIT NULL AND VOID.**

b. The property owner/applicant/purchaser/developer has agreed to provide a relocation assistance payment to the three (3) current low or moderate income persons or families who were identified by the Housing Commission's tenant income survey in accordance with Council Policy 600-3. The property owner shall provide a relocation assistance payment equivalent to two (2) months' current rent, which shall be paid directly to the three (3) tenants on or before the 5th calendar day after the tenant has vacated the unit. Written notice and documentation verifying tenant receipt of these relocation assistance payment(s) shall be made by the property owner to the San Diego Housing Commission, 1625 Newton Avenue, San Diego, California, 92113 Attn: Coastal Housing Program.

2. Prior to issuance of any building permits, revised plans shall be submitted indicating extension of the wall along the easterly property line of the subject property, northerly, to the public right-of-way of Vallecitos, to the satisfaction of the Planning and Development Review Manager. Within the setback, the wall shall be terraced from six

feet to three feet in height. This condition is intended to assist in the reduction of vehicular traffic noise from the subject property to adjacent property(ies) located eastward. The extended portion of the wall shall not exceed three feet (3'-0") in height within any visibility area(s).

3. Prior to issuance of any building permits, revised plans shall be submitted indicating provision of additional landscape screening on the subject property, and along the property line of adjacent properties located eastward, to provide 80% landscape screening, to the satisfaction of the Planning and Development Review Manager.
4. Prior to issuance of any building permits, the property owner shall provide adequate rooftop screening on the neighbors property located across Vallecitos, to the satisfaction of the Planning and Development Review Manager. The intent of this condition is to sufficiently mitigate visual impacts of the proposed development from this property.
5. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.
6. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee(s) sign(s) and return(s) the Permit to the Planning and Development Review Department; and
  - b. The Permit is recorded in the office of the San Diego County Recorder.
7. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
8. This permit is a covenant running with the subject property and shall be binding upon the Permittee(s) 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 utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
10. 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.)



11. The Owners/Permittees shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

12. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the Planning and Development Review Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated July 27, 1999, on file in the Office of the Planning and Development Review Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

13. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder(s) of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner(s) of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner(s) of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner(s) comply(ies) with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

14. This Coastal Development/La Jolla Shores Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

**ENGINEERING REQUIREMENTS:**

15. This Permit shall comply with all provisions of Tentative Map 98-1173.

**PLANNING/DESIGN REQUIREMENTS:**

16. No fewer than eight (8) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated July 27, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with Municipal Code requirements and shall not be converted for any other use unless otherwise authorized by the City Manager.

17. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
18. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.
19. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
20. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
21. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Planning and Development Review Director.
22. All signage associated with this development shall be consistent with sign criteria established by the La Jolla Residential Sign Control District.
23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
24. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
25. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
26. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the Planning and Development Review Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A," dated July 27, 1999, on file in the Office of the Planning and Development Review Department.

**LANDSCAPE REQUIREMENTS:**

27. Prior to issuance of a grading or building permit, the Permittee shall submit a site/plot plan consistent with the plans submitted for a building permit showing the required 30% landscape area in a crosshatched pattern and labeled "Landscape Area Diagram." The crosshatch pattern shall be consistent with Section 1.1-5 of the Landscape Technical Manual. A specific planting/irrigation plan for the street trees and the required landscape screening (see Condition No. 3) must be submitted prior to issuance of any building permits.

28. The following note shall be provided on the Landscape Area Diagram: "All of the landscape to meet the 30% are requirements shall be installed as required by the La Jolla Shores Planned District Ordinance and all required landscape inspections must be obtained prior to issuance of any certificate of occupancy."

29. All required landscape material shall be permanently maintained in a growing and healthy condition, including trimming as appropriate to the landscape material. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

30. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the Planning and Development Review Manager.

**FIRE DEPARTMENT CONDITIONS:**

31. Building address numbers, visible and legible from the street or road fronting the property shall be provided as a note on the site plan (UFC 901.4.4).

32. The location of all existing hydrants, within 600' of the project, shall be shown on site plan (UFC 903.2).

APPROVED by the Council of The City of San Diego on July 27, 1999, by Resolution No. R-291993.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**The undersigned Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

**PASEO GRANDE LLC**  
Owner/Permittee


By \_\_\_\_\_  
Jeffrey Elden, Manager

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

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