



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 20, 2013

REPORT NO. HO 13-028

ATTENTION: Hearing Officer

SUBJECT: WU/TSAI RESIDENCE
PROJECT NUMBER: 260171

LOCATION: 9882 La Jolla Farms Road, La Jolla CA

APPLICANT: Janay Kruger

SUMMARY

Issue: Should the Hearing Officer approve the demolition of the existing single-family residence and the construction of a new single-family residence at 9882 La Jolla Farms Road within the La Jolla Community Planning area?

Staff Recommendations:

1. **Certify** Mitigated Negative Declaration No. 260171 and **Adopt** Mitigation, Monitoring, and Reporting Program; and
2. **Approve** Coastal Development Permit No. 918179 and Site Development Permit No. 969328.

Community Planning Group Recommendation: On September 6, 2012, the La Jolla Community Planning Association voted 10-0-1 to recommend approval of the project with no additional conditions (Attachment 9).

Environmental Review: A Mitigated Negative Declaration No. 260171 has been prepared for the project in accordance with State of California Environmental Quality Act Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process.

BACKGROUND

The 2.37-acre project site is located at 9882 La Jolla Farms Road (Attachment 1) in the RS-1-2 Zone, the Coastal Overlay Zone (appealable), the Coastal Height Limit Overlay Zone, the First

Public Roadway, the Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zones of the La Jolla Community Plan area. The project site is currently developed with a single story, 10,383 square feet, single-family home (Attachment 2). The house was built in 1990 through issuance of Coastal Development Permit (CDP) No. 6-87-471 from the California Coastal Commission (Attachment 3), within an urbanized community and is served by all utilities. The surrounding area is within the same zone and similarly developed with residential units to the south and east, with open space areas located to the west and north. Topographically, the east to west pan-handle shaped parcel lot slopes downward from the relatively flat eastern pad area, at an elevation of 300 feet above mean sea level (AMSL), towards the western coastal bluffs, canyons, beach, and Pacific Ocean.

The project site includes several existing easements and deed restrictions such as a grant deed non-building restriction area, west of the developed pad area; a 20-foot wide utility easement along the eastern property line; a 15-foot wide public access trail and overlaid emergency vehicle ingress and egress access across width of property from La Jolla Farms Road, north to property line and then west to the northwest corner of property; a 4-foot wide utility easement along the entire northern property line; and a 12-foot wide drainage easement along a portion of the southern property line. The public access easement is dedicated in favor of the California Coastal Commission as a part of CDP No. 6-87-471.

The proposed project site is located within the Residential Land Use Element of the La Jolla Community Plan (LJCP) and Local Coastal Program (LCP) Land Use Plan (Attachment 4). The LJCP designates the project site as Very Low Density Residential (0-5 dwelling units per acre). This density range is characterized by large, single dwelling unit, estate homes built on 10,000 to 40,000 square-foot parcels with steep slopes and/or open space areas. Furthermore, the LJCP states "This type of development is appropriate for the bluff top areas of La Jolla Farms..." and the RS-1-2 zone implement this designation.

DISCUSSION

The proposed coastal development project proposes to demolish the existing 10,388 square-foot single story, single-family residence, and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping. The proposed demolition and new construction in the Coastal Zone requires a Coastal Development Permit. The project site also contains environmentally sensitive lands in the form of steep hillsides and native plant habitat at the west end of the lot and requires a Site Development Permit.

The proposed development would have a Floor Area Ratio (FAR) of 0.11 where there is an allowed FAR of 0.34, based upon steep slopes on the premises. In addition, the project will not exceed the 30-foot height limit in the coastal zone. The proposed development provides seven off-street parking spaces. The majority of the project site is finely graded and padded as a result of construction of the existing home and associated improvements of the property. Fine grading at the location of the concrete slab and footings for the foundation of the residence is required to implement the various improvement features proposed on the subject property.

This project is adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). The project's construction and operation will not adversely affect the MHPA and will be required to comply with the MSCP Land Use Adjacency Guidelines to reduce potential indirect impacts to sensitive biological resources resulting from construction and overall project implementation to below a level of significance.

The proposed project will not encroach beyond the development limits previously established, and will not further disturb Environmentally Sensitive Lands on or off of the premises. In addition, all undisturbed portions of the site shall be included in a Covenant of Easement, recorded against the subject premises. The existing public access trail provides coastal access to Black's Beach from La Jolla Farms Road through Box Canyon via an easement across the property. The proposed development makes no changes to this dedicated public access trail easement.

The La Jolla Farms Road is designated as a Scenic Roadway (i.e., partially obstructed views of the ocean between private properties) by the Community Plan. The project proposes extending the adjacent southern property's existing 15-foot wide building restricted area to the east across the project site to provide a continuation of the view easement from Black Gold Drive.

Community Plan Analysis:

The proposed development is within the La Jolla Community Plan and Local Coastal Program Land Use Plan and designates the site and surrounding area to the east and south as Very Low Density Residential (0-5 dwelling units/acre), and the canyon system west of the site as Parks/Open Space.

The surrounding area is single family in character and the project proposes a single-family home in conformance with specific policies and recommendations contained within the La Jolla Community Plan (including those regarding visual resources and community character). The project has been designed to avoid any adverse effect on the surrounding neighborhood and visual quality of the area. The surrounding neighborhood is built out with an eclectic mix of architectural styles and sizes of homes. The proposed project would adhere to community goals and has been designed in a manner so as not to intrude into any of the identified public view corridors. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing and the adjacent structures.

The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands regulations, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommends that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-2 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and no deviations or variances are requested.

The exterior walls would be articulated and consist of antique white stucco colors and stone features. The roof will be predominately a flat built-up roof system. The project would be a custom design. The proposed home materials and architectural style would be compatible with the character of the surrounding homes. The project site would also be extensively landscaped in order to soften and blend visual transitions between the proposed residence, hardscape surfaces, pool and other features. The project would therefore not create a negative aesthetic, or be incompatible (or markedly contrast) with the architectural design, bulk, scale, materials, height and style of other homes found in the surrounding neighborhood.

Environmental Analysis:

A Mitigated Negative Declaration (MND) No. 260171 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental affects to biological and historical (archaeological) resources. Subsequent revisions in the project proposal create the specific mitigation identified in the MND and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. The project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

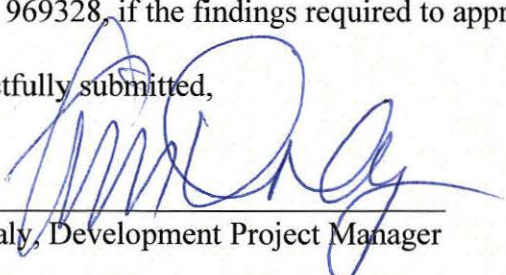
Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided the draft environmental resolution and Mitigation, Monitoring, and Reporting Program, draft findings to support approval of the proposed development, and draft conditions of approval. City staff is recommending the Hearing Officer approve the project.

ALTERNATIVES

1. Approve Coastal Development Permit No. 918179 and Site Development Permit No. 969328, with modifications.
2. Deny Coastal Development Permit No. 918179 and Site Development Permit No. 969328, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

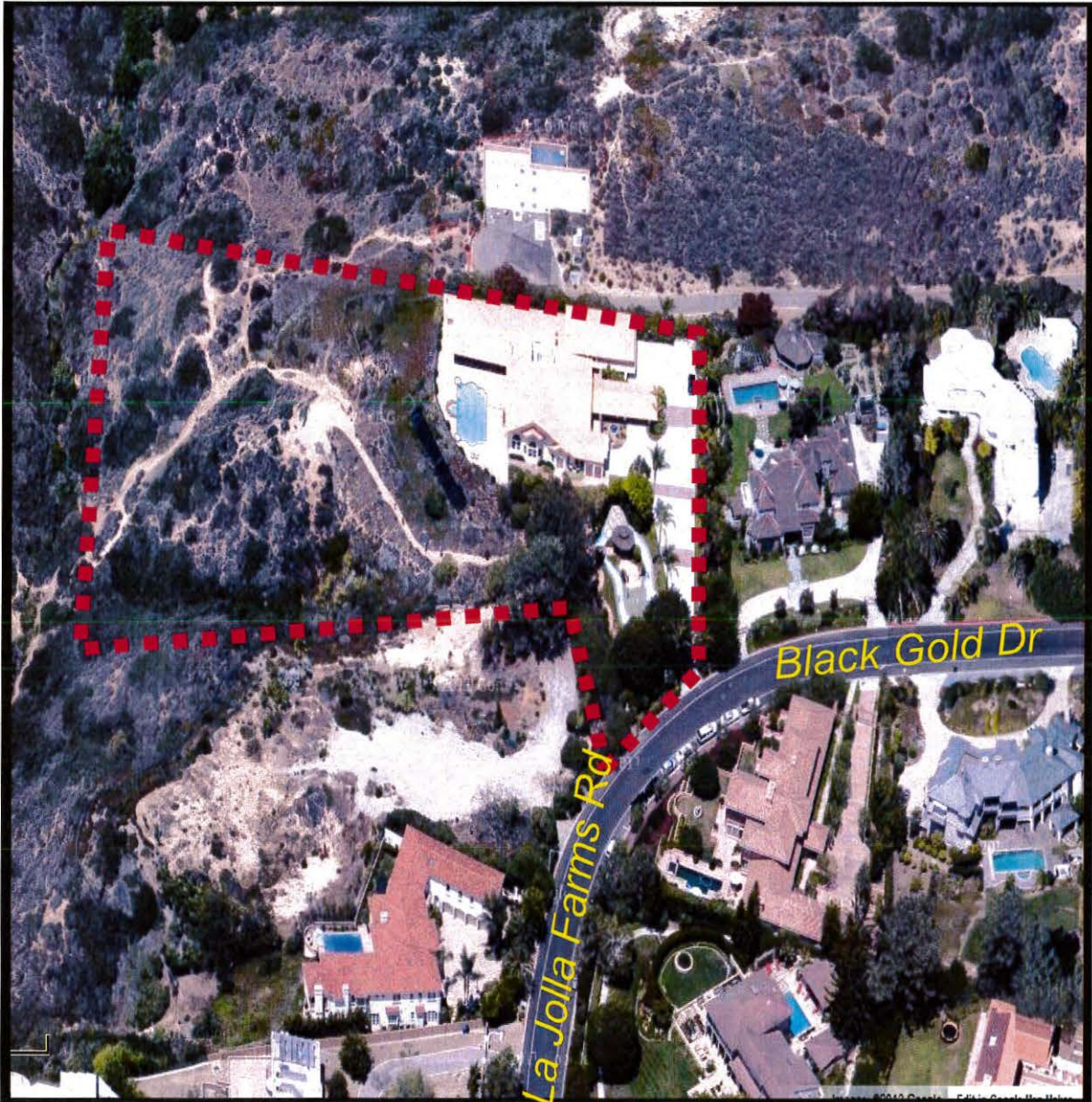
1. Project Location Map
2. Aerial Photograph
3. Coastal Development Permit No. 6-87-471
4. Community Plan Land Use Map
5. Project Data Sheet
6. Draft Environmental Resolution with MMRP
7. Draft Permit Resolution with Findings
8. Draft Permit with Conditions
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Project Plans (Separately to Hearing Officer)



Project Location

Wu/Tsai Residence, Project No. 260171
 9882 La Jolla Farms Road





Aerial Photo

**Wu/Tsai Residence, Project No. 260171
9882 La Jolla Farms Road**



CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed: August 31, 1987
49th Day: Waived
180th Day: February 28, 1988
Staff: LRO-SD
Staff Report: November 5, 1987
Hearing Date: November 17-20, 1987



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

SEE SUBSEQUENT PAGE
FOR COMMISSION ACTION

Application No.: 6-87-471

Applicant: Armando de Peralta Agent: Joe Lewis Wilkins, Architect

Description: Construction of a two-story, 9,268 sq.ft. single family residence with tennis court, pool and jacuzzi on a vacant 2.37 acre lot.

Lot Area	103,238 sq. ft.
Building Coverage	9,283 sq. ft. (9%)
Pavement Coverage	22,400 sq. ft. (22%)
Landscape Coverage	20,000 sq. ft. (19%)
Unimproved area	51,555 sq. ft. (50%)
Parking Spaces	18-20
Zoning	R1-20000
Plan Designation	Low Density Single Family Residential
Ht abv fin grade	30 feet

Site: Parcel #5 on west side of La Jolla Farms Road at Black Gold Road, La Jolla, San Diego, San Diego County. APN 342-031-05

Substantive File Documents:

- Certified La Jolla Land Use Plan; La Jolla/La Jolla Shores Local Coastal Program Addendum;
- Joint Staff Report of the California Coastal Commission and State Coastal Conservancy on Coastal Access - December 3, 1980;
- Designing Accessways - a Joint Publication by the State Coastal Conservancy, The California Coastal Commission, and the Department of Parks and Recreation;
- Coastal Zone Scenic Resource and Hillside Review Maps by the City of San Diego for Implementation Phase of LCP - Base Map 2/2/73;
- City of San Diego Metropolitan Topographic Survey, Edition of 1953, #262-1689, Revised 2/8/71;
- County of San Diego Topographic Survey, Sheet No. 262-1689, 4/21/77;
- City of San Diego Drainage Map, #262-1692, Base Map - 2/28/61;
- California Coastal Zone Conservation Commission Slide #7241-76 & 7241-77 - 1972;
- San Diego County Regional Coastline Plan Photographics - 6/25/72;
- San Diego District Aerial Photograph, Frame #160, 11/3/86

STAFF NOTES:

The primary issue in this project is the protection of the potential prescriptive rights of access to the ocean which have occurred on the site through historic use of an access trail that commences on the subject site and leads to City-owned property and the ocean. The former property owner of the subject site filed a "consent to use of land" under Section 813 of the California Civil Code on June 12, 1978. This document primarily allowed the public permission to use the land but prevented the establishment of prescriptive rights onward from the date the document was filed. Subsequently, the present property owner revoked the "consent to use of land" at the time of purchase. However, there is evidence to suggest prescriptive rights were established on the site by continuous public use for a consecutive five year period prior to 1978 when the "consent to use of land" document was recorded under Section 813.

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions which will remove the direct impact of the project on the public's right of access to the shoreline where acquired through use by requiring an irrevocable offer to dedicate to a public agency or private association an easement on the subject site for public pedestrian access to the shoreline. The conditions also require revised plans incorporating: the location of the proposed public access easement on the subject property; no encroachment within the easement area or within the Hillside Review overlay zone identified in the City's LCP; an open space deed restriction prohibiting alteration of natural landforms or development within those areas without Commission review and approval; submittal of a restoration plan for previously disturbed portions of the site not herein approved for development; and, final grading plans/geology report to assure the structural stability of areas proposed for development.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Plans. Prior to the issuance of the coastal development permit, the applicant shall submit revised site, building and grading plans which incorporate the following:

a. Said plans shall delineate an easement, for access purposes, which shall extend at a width of 8 feet, parallel and adjacent to the western property line from the "trailhead" originating at the street frontage to the property corner; then, shall extend to the west, at a width of 8 feet, ~~parallel and adjacent to the southern property line to a point 20 feet~~ west of the existing headwall. At this point the easement shall extend in a straight alignment north, at a width of 15 feet (measured to the west), to connect with the existing trail, and then northwest to the western property line.

b. Revised plans shall indicate no encroachment by grading or improvements seaward of the Hillside Review Overlay Zone boundary line (as marked by the City of San Diego on the submitted site plan) or within 15 feet of the inland alignment of the required access easement, for that portion of the easement within the HR Overlay Zone. In case of conflict, the easternmost boundary shall apply.

c. Landscaping, fencing or other barriers shall be permitted between the proposed development and easement area, subject to Executive Director approval.

Said plans shall be subject to review and written approval by the Executive Director, prior to issuance of the permit.

2. Vertical Access. Prior to the issuance of a coastal development permit, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian access to the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property.

Such easement shall be 8 feet wide and shall extend parallel and adjacent to the property line from the "trailhead" originating at the street frontage north to the property corner; then shall extend west, at a width of 8 ft., parallel and adjacent to the southern property line to a point 20 feet west of the existing headwall. At this point the easement shall extend in a straight alignment north at a width of 15 feet (measured to the west) to connect with the existing trail, and then northwest to the western property line. (shown in

concept on Exhibit 3)

The document shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

3. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type in the area described as follows, without the written approval of the California Coastal Commission or successor in interest. The restricted area shall be that portion of the site seaward of the Hillside Overlay Zone boundary line (as marked by the City of San Diego on the submitted site plan) or within 15 ft. inland of the alignment of the access easement on that portion within the HR Overlay Zone; and, within the easement area commencing at the "trailhead" at the front of the lot to the HR Overlay Zone boundary line.

Final description of the proposed easement shall be determined by the approved site plan required pursuant to Special Condition No. 1 of this permit. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

4. Restoration. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials, any proposed irrigation system and other landscape features. The plan shall address that portion of the site that has been previously disturbed and is not herein approved for development, and shall define the easement area as required through Special Condition No. 1. Drought tolerant, fire retardant native plants shall be utilized to the maximum extent feasible to re-establish the area consistent with its character prior to grading. In addition, said plan shall include drainage improvements acceptable to the City of San Diego that incorporate natural materials and which shall also maintain and render the access easement continually accessible. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

5. Final Grading Plans/Geology Report. Prior to the issuance of the coastal development permit, the applicant shall submit an updated geotechnical report which addresses current site conditions, and final grading plans to the

Executive Director for review and written approval. Said plans shall incorporate the recommendations contained in the initial and updated report referenced herein in order to assure the structural stability of areas proposed for development on the site. Said plans shall be reviewed and approved in writing by the Executive Director.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Proposed Project. The applicant proposes to construct a two-story, 9,268 sq. ft. single family residence with attached garage, patio, swimming pool, jacuzzi and tennis court on a vacant 2.37 acre lot. Six bedrooms are proposed and the overall height of the residence would be under 30 feet. In addition, a guest garage is proposed along with 14-16 guest on-site parking spaces to be situated along the eastern property line. Grading for the site consists of 1,425 cy. cut and 1,675 cy. fill for the tennis court, deck and other portions of the development area. A crib wall is proposed west of the pool/deck area.

The project site is located on the west side of La Jolla Farms Road at Black Gold Road, between the road and the Pacific Ocean which is located outside the property approximately 1,000 feet to the west. In addition, the site is located between the first coastal roadway in the area, North Torrey Pines Road, and the sea. The subject lot is located at the head of a canyon, known as Box Canyon, which descends approximately 300 feet in elevation and drains to the ocean.

The site contains a relatively level area on the eastern portion where some grading has been done, including recent importation of fill dirt onto the property for purposes of recompaction. The applicant indicates that this recompaction was necessary due to spoiled soils and the dumping of fill dirt on the site from other nearby developments. The proposed residence is generally located within this pad area. At the western limits of the pad it drops off sharply into a steep slope of 25% grade or greater. At the toe of the slope there is a relatively minor level area which has previously been disturbed through grading, and then the slope continues in its natural state which is composed of steep and naturally vegetated slopes of 25% gradient or greater.

In this area, an unimproved historically used footpath transects in several locations across the western portion of the site west of, and in close proximity to, the location where the swimming pool, deck and crib wall are proposed. Both the slope at the edge of the pad area as well as the minor level area located adjacent to the toe of the slope have been previously graded and disturbed. The applicant indicates that this grading occurred over the last ten years. There is no record of any coastal development permit having been issued for grading on this property. Evidence suggests naturally vegetated slopes existed at the edge of the graded pad as recently as November of 1986.

Due to the nature of the pathway which currently exists in this area, it is assumed the unauthorized grading modified the historically used access path, evidenced in photographs. The path has been re-established through use since the grading has occurred. Such grading is not the type of development which would be permitted without a coastal development permit.

Surrounding development includes single family residences similar in scale to that proposed and represents infill. An existing single family residence is located to the south and a newly constructed single family residence exists east of the site. In addition, an existing sewer pump station is located immediately to the north of the subject site.

2. Development of Steep Slopes. Section 30253 of the Act provides that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....

In addition, Section 30251 of the Act provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The subject site consists of three levels. The upper portion of the lot consists of a relatively level pad bounded to the south by La Jolla Farms Road and on the west by a graded slope which extends down to a small relatively level area. Beyond this point, at about the 306-foot contour line, the lot drops off sharply into steep naturally vegetated slopes.

Based on slope analysis information submitted by the applicant, 55% of the site is contained in slopes of 25% gradient or more. The upper portion of the pad which is level has been disturbed in the past and contains fill dirt, including mounds of fill dirt at the front of the site adjacent to the street where a temporary construction fence has been erected. It appears that the pad has recently been leveled with additional importation of fill dirt as some areas are white/sand colored and others are newer and redder in color. This is evidenced by the applicant's account of recent recompaction of the building pad. Additionally, grading has also been done beyond the building pad area.

This grading has apparently been done without the benefit of a coastal development permit and represents a potential violation of the Coastal Act.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

A preliminary geotechnical investigation has been prepared for the site which has found that there are no adverse geological conditions, such as landslides or faults, along or in close proximity to the site that would require the use of unusual preventative measures for residential construction. However, it is recommended in the report that after tentative plans have been completed and a building area selected, a more detailed geological study and soil investigation be made to evaluate the stability of any proposed cut or fill slopes, etc.

For this reason, Special Condition No. 5 has been attached requiring submittal of construction plans and an updated geology report to the Executive Director for his written review and approval. Said plans shall incorporate the recommendations contained in the initial geological study as well as the updated report to assure structural stability. Attachment of this condition will further ensure the subject proposal's consistency with Section 30253.

In addition to geologic concerns, development of steep slopes raises the issues addressed in the above-cited Coastal Act policies, those being, increased likelihood of erosion, runoff, and sedimentation of downstream resources and visual impacts related to alteration of natural landforms.

As stated, there appear to be several inconsistencies, however, with the elevation of the westernmost edge of the existing building pad and the topographic maps of the area which depict the building pad as it was originally. Based on analysis of several maps, aerial photographs and slides dated in 1972, 1973, 1977 and 1986, it is evidenced that the pad has been extended through the importation of fill and grading beyond the edge (westward) of the building pad. In this case, the draft Hillside Overlay Zoning Ordinance maps are the best indicator as to the nature of the existing topography of the site prior to the recent grading which has occurred. While it cannot be ascertained whether all of the area which has been disturbed included 25% slopes, it is clear that disturbance of naturally vegetated slopes, seaward of the pre-existing pad has occurred. In addition, slides and photographs show recent disturbance of the site inland of the Hillside Review Overlay Zone boundary line.

Of particular concern is the elevation of the existing pad included on the proposed site plan as compared to topographic maps dated in 1977. The edge of the pad appears to be as much as 10 feet higher in elevation than shown on the 1977 maps. Thus, it appears the site has been raised, and the naturally vegetated slope has been graded or filled over, creating the appearance of

a manufactured slope.

Furthermore, the City of San Diego's Scenic Coastal Resource and Hillside Review (HR) Maps which have been drafted in the last two years as part of the LCP implementation phase for the City of San Diego, depict sensitive habitat areas which contain coastal sage/chaparral communities within the area graded, as mentioned above. (Approximately one-half of the subject site is located within this HR Zone and the subject site is mapped on the HR Maps). In this case, however, since it cannot be determined the extent to which steep naturally vegetated slopes were disturbed by the unauthorized grading, the project has been conditioned to restrict any encroachment for development seaward of the Hillside Review Overlay zone boundary line. As such, some development may be allowed to occur beyond the edge of the existing pad. However, encroachment seaward may be further restricted by requirements that no development occur within 15 feet of the inland extent of the access easement, for that portion within the HR zone, as further discussed in the following finding.

Additionally, the project has been conditioned for revegetation of the portions of the site which have been previously disturbed and are not herein approved for development, as well as restoration of the area by incorporation of drainage improvements, acceptable to the City of San Diego. Specifically, the restoration area would include the area seaward of the Hillside Review Overlay Zone boundary line.

The Commission is not requiring regrading of the site to pre-existing conditions. However, to assure stability, the project has been conditioned for submittal of an updated geotechnical/soils report. Said revegetation will result in bringing the site in closer conformance with pre-existing natural conditions to be visually compatible with the surrounding area and to minimize the alteration of natural landforms as set forth in Section 30251 of the Act.

In addition, the bluffs and canyon walls west of the lower level of the existing building pad within the boundaries of the subject property are naturally vegetated and significant natural landforms worthy of preservation under Section 30251. Therefore, Special Condition No. 3 has been attached requiring execution of an open space deed restriction which would limit any development or improvements seaward of the Hillside Review Overlay Zone boundary line or within 15 feet of the inland alignment of the existing trail (where conflicts arise, the easternmost boundary shall apply) and that said area remain in permanent open space to preserve the sensitive habitat areas such as coastal sage/chaparral communities contained in this area as well as steep slope areas, consistent with Sections 30251, 30253, and the draft HR ordinances for the City of San Diego LCP.

3. Vertical Access. The following Coastal Act Policies are applicable to the subject proposal regarding public access:

Section 30211

Development shall not interfere with the public's right

of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. [emphasis added]

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected.

Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The development represents single family residential development on a vacant blufftop parcel, and as proposed, is inconsistent with the above Coastal Act policies regarding coastal access. An unimproved access trail exists on the site which is currently used and has been historically used by the public on an informal basis, and will be physically blocked by the proposed development.

Specifically, the site conditions consist of a vacant 2.37 acre pan-handle shaped parcel located on the northwest side of La Jolla Farms Road which is situated in a low density, single-family residential subdivision. The subject parcel is the last undeveloped blufftop parcel in the area, although a few inland parcels remain undeveloped. Steep bluffs and canyons provide a natural open space buffer between the existing development in the area and the shoreline. The property immediately adjacent to the west of the site is City-owned. Portions of the shoreline and other parcels of land within the La Jolla Farms area are owned by the University of California.

As previously mentioned, the subject development consists of a proposed tennis court to be located adjacent to the driveway entrance (pan-handle portion of lot) to the property. The width of the lot at the street frontage is 95 feet, when measured at a straight vertical distance; however, the lot frontage actually curves due to the angle of the street. The proposed tennis court is 60-foot wide and a 20-foot wide landscape strip is also proposed along the eastern property line. The entry drive will be about 35 feet wide. The single family home will be situated north of the tennis court near the northeast corner of the parcel. A swimming pool, deck and jacuzzi are proposed west of the single family home in the center of the parcel. In

addition, landscaping is also proposed consisting of approximately 135 linear feet along the southern property line. The remainder of the parcel will be unimproved.

The unimproved foot path which has been historically used currently originates at the southwest corner of the subject parcel at the La Jolla Farms Road frontage. It continues in a northerly direction for 160 linear feet then turns westward at a corner just outside the property line and actually crosses on the abutting lot to the south for a few feet. This appears to be the case since a stake marking the corner of the property line is situated inland of the path as it presently exists in this area. From this point on, the path resumes within the property lines of the subject site and transects diagonally across the western portion of the parcel in a northwesterly direction leading directly down to Box Canyon on public parcels to a wide sandy beach below. The path generally transects the disturbed level area of the site located west of the toe of the manufactured fill slope.

Due to the recent importation of unauthorized fill on the southern level portion of the site and grading beyond the western edge of the building pad, it is not possible to determine whether the existing pathway, which is well defined, is in the same location as the access historically used across the parcel. Photos and maps would suggest the entire frontage along La Jolla Farms Road would have been accessible on an informal basis by the public prior to erection of the temporary construction fence and importation of the unauthorized fill. The path west of the existing pad has also been re-defined since grading has occurred, but, historically, access in this area most likely included several different pathways to get to the northwest property corner.

From the property corner of the pan-handle, the path transects the western portion of the lot to the northern property line. The remainder of the trail then leads down towards Box Canyon and at all points is clearly visible including some areas where the vegetation has been worn from use. At a point just outside the property line, on City property, a major vista point exists, as designated in the La Jolla/La Jolla Shores LCP Addendum, with a view to the ocean between the canyon walls of Box Canyon.

As the trail continues along City property, it traverses over steep areas and the path widens and narrows depending on the flatness or steepness of the terrain. A make-shift "bridge" is located in one area where the trail crosses over a deep gully/ravine. The path eventually leads to expansive white sandstone bluffs at the mouth of the canyon. Here the trail approaches an approximate 8 to 10 foot drop at the edge of the sandstone bluffs. However, inside a crevice of the sandstone rock there appear to be foot-shaped "steps"; apparently created from repetitive use, which transcend down to the canyon floor where the trail resumes. Along this crevice where the steps are located, there are also carved out "holes" in the sandstone apparently created by those that use the trail as areas to grab onto or brace oneself while descending down the path. In this area there is also evidence that the area has been used by numerous people as there is carved writing and graffiti on the canyon walls of the sandstone bluffs.

Beyond this area, the path narrows and is nearly at sea level and affords a clear ocean view. The path continues and approaches another point approximately 8 to 10 foot drop. Again, there are "steps" which appear in a sandstone slab. This area is muddy and contains water from runoff from the cliffs above. At the bottom of this 8 to 10 foot drop is the beach below. Several persons were observed during site inspection utilizing the beach area for recreational purposes, and a trash can exists indicating a maintained recreational area.

As stated, evidence along the subject trail clearly indicates it has historically been used by the public. The proposed development will have a direct impact on public use of the property for access to the beach or vista point. Furthermore, not only would the development impose physical direct impacts to an existing accessway, but it would also pose visual impacts since the blockage of said pathway would prevent access to the major vista point located just outside the subject parcel on City property.

The portion of the proposed development which will actually physically blocks the public accessway as it presently exists on the subject site is the tennis court, fencing and some landscaping proposed along a portion of the southern property line. In addition, the presence of private development as proposed on this now vacant site would generally prohibit public use of the area and accessway, and block access from the street to the City-owned property to the west.

In order to protect the potential prescriptive rights of access to the shoreline associated with the subject site, pursuant to Section 30211 of the Coastal Act, the Commission is attaching Special Condition No. 2 which requires an offer to dedicate a vertical access easement. Only with this condition can the project be found to be consistent with the Coastal Act and be permitted. The project has been conditioned to mitigate the subject development's direct impact on the existing access trail. On the upper portion of the lot, the required easement will be situated parallel to the western property line to accommodate an 8-foot minimum width for the accessway. This width will serve to maximize the area of the site suitable for residential development.

However, commencing at a point located 20 feet west of the existing headwall, the easement shall be a minimum of 15 feet wide and shall be aligned in a northerly direction to connect with the existing unimproved trail which extends in a northwesterly direction to the western property line. (Note: actual location of existing headwall is incorrectly shown on submitted site plan. See Exhibit 3 for actual location). The required offer to dedicate will serve to protect the potential prescriptive rights of access to the shoreline in an alternative alignment which maximizes the development potential of the property, yet transfers the right to access to a defined easement area.

In addition, through Special Condition No. 4, the project has been conditioned for restoration of the previously graded area including revegetation and drainage improvements. Drainage improvements are necessary in this area to mitigate drainage-erosion impacts that are presently occurring downstream of

the headwall, due to the current exposed nature of the site. Said drainage improvements shall not interfere with the access easement and the easement shall be continuously accessible.

In addition, additional criteria is necessary to assure that development does not occur within close proximity to the required access easement, which may inhibit use of the trail as well as be undesirable to the applicant. Therefore, in addition to the requirement of no development seaward of the Hillside Review Overlay Zone boundary line, Special Conditions #1 and 3 also require that no development encroach within 15 feet of the inland extent of the access easement for that portion within the HR zone. In case of conflict, the easternmost limit is controlling.

Section 30212 provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects. The beach located below the parcel at the mouth of Box Canyon provides unrestricted lateral access throughout most of the year and is used primarily for swimming, sunbathing, surfing, jogging, and as a hang glider landing area. North Torrey Pines Road serves as the primary access route into the La Jolla Farms area. Visual access from public roadways is limited by existing development; however, spectacular vistas can be obtained from several foot trails which lead down or along the bluff. As stated, a major vista point is located along the subject foot trail at a point just outside the western property line on City property at the head of Box Canyon, as identified in the La Jolla - La Jolla Shores Local Coastal Program (LCP) Addendum.

As discussed in the addendum, the upper portion of the lot has been used for off-street parking. In the past, "No Parking" signs were posted on the lot; however, none presently exist on the site. Further, the City of San Diego had originally considered acquiring this parcel due to its linkage with Torrey Pines City Park and feasibility of providing additional parking. However, due to the steep cliffs in the area, increased traffic in a low-density residential area, and a decision to develop Torrey Pines City Park to the north, acquisition plans were dropped. The LCP further discusses that since a large portion of Torrey Pines City Park to the north of La Jolla Farms will be developed with an improved access stairway, parking area, and other recreation support facilities, active recreation uses should be directed towards these areas of the park rather than Box Canyon. However, the LCP addendum also recommends:

"In evaluating the adequacy of Torrey Pines City Park, the City should periodically review the need for access at this location."

In discussions with City Planning staff and of City Park and Recreation staff regarding the need for vertical access at this site, City staff confirmed that additional studies would need to be made in order to determine if access in this area was still considered necessary. However, City staff initially indicated that they would like to discourage use of these public trails due to the dangerous conditions of the steepness of the

bluffs and potential hazards to those who used the trails. The City was concerned over potential liability for any such accidents to members of the public in this area and would rather encourage the public to use the improved vertical access trails located to the south, or other trails located to the north.

However, despite contentions that the trail is considered to be dangerous, the subject development and, specifically, the proposed tennis court, clearly represents a physical blockage to an existing unimproved public access trail which has been documented through historic use (prescriptive rights) and is visible through aerial photographs taken at least 15 years ago. The tennis court and a fence is proposed in the area where the trail originates and would obliterate the trail if it were to be constructed, as proposed. There would be no alternate access to reach the remainder of the trail which transects across the rear portion of the property to City-owned property to the west and the shoreline.

In addition, access to the site was not blocked by a gate or fence. Further, there was no evidence of any "No trespassing" signs posted on the subject property to prevent the public from using the historically used trail. Additionally, there is no indication that any attempt has been made on the part of the property owner to discourage use of the trail.

Vertical access to the shoreline is severely constrained in the North City area due to the nature of the existing topography. The nearest vertical access point in this area is located .5 miles (approx. 1,500 feet) to the south off of Blackgold Road and La Jolla Farms Road where an improved public accessway leads down to Black's Canyon. As identified in the La Jolla/La Jolla Shores LCP Addendum, this particular trail provides pedestrian access and emergency vehicular access only. The entrance to this improved trail is locked by a gate to prevent private vehicles from entering; however, pedestrians can easily gain access through the gate. This access road, known as Blacks Canyon Road, is located on University of California, San Diego property.

The Joint Staff Report of the California Coastal Commission and State Coastal Conservancy on Coastal Access for urban areas recommends that vertical access be located at a distance of every six parcels. In this case, the nearest accessway to the south is 14 parcels away in a subdivision where parcels are above average in size. The nearest vertical access point to the north is approximately 1000 feet from the subject parcel and consists of an unimproved public access trail which leads down to a strip of beach area located between Box Canyon to the south and Indian Canyon to the north. This particular access trail is located at the terminus of Torrey Pines Scenic Drive and is within the confines of the City Torrey Pines Park area, where a glider port exists. However, the distance of 1000 feet is a straight vertical distance by map and the actual distance traveled to reach the access point from the subject site would be two miles by vehicle.

In fact, the entire stretch of Torrey Pines beach from Black's Canyon up to the gliderport is relatively one of the least used beaches in San Diego

County, as opposed to other local beach areas such as Mission Beach or Pacific Beach, because of the physical nature of the existing access trails in this area. However, due to the increased demand for recreational needs in the San Diego area, it is likely that in the future, these areas will be further developed to reflect the increased need for recreational opportunities in this area. On a weekday site inspection the parking lot at Torrey Pines glider port was nearly full. On a Saturday visit, the lot was completely full and cars lined both sides of the access road off North Torrey Pines Road.

In addition, although the existing trails in the area which provide access to the beach are improved at the two next closest vertical access areas to the north and south, signage is posted at the northern access point at Torrey Pines City Park which indicates that the existing improved trail leading down to the beach is dangerous and that caution should be used. Therefore, the fact that this signage exists at an improved public access trail on City property, would discount any claims that other unimproved trails in the area which are considered dangerous should be discontinued, such as the subject trail, which has been documented through historic use on the subject property.

Furthermore, as indicated in the attached letters and copies of surveys of the area done for purposes of defining access trails in the general area, there is evidence to suggest that prescriptive rights were established on the site since the existing unimproved access trail was used by the public on a continuous basis for a consecutive five year period prior to 1978, as well as much earlier, as referenced in the letters. Additionally, even though considered unsafe, the trails nevertheless have been historically used by numerous people as documented through evidence of use such as trash, writings on the walls of the canyon, etc., as described previously. Therefore, although the trails have been described as unsafe, it is the public's right of access to the sea, where acquired through use, as defined in Section 30211, which must be protected in this case. [Emphasis added].

In addition, as stated earlier, the LCP clearly contains language for a reassessment by the City of San Diego to determine future needs for access on this particular site. The proposed development would render the accessway unuseable and would be inconsistent with Chapter 3 policies and the policies contained in the LCP. Approval of the proposed development without protection of the public's right to use this parcel as established through historic public use could potentially adversely affect the City's LCP preparation abilities should any such future studies by the City render the development of an improved accessway to the vista point feasible. The proposal is clearly inconsistent with Coastal Act Section 30211 since it physically blocks an existing public trail documented through historic public use which leads to a major vista point located outside the property line on public property as well as leading to the ocean.

In addition, with regard to the alignment and siting of the vertical access easement, it is stated in the Designing Accessways report drafted by the State Coastal Conservancy, the California Coastal Commission and the State

Department of Parks and Recreation, that:

"Long or fatiguing trails should offer people the option of turning back at several points, preferably without having to retrace their steps. Vista points can provide intermittent destinations and rest stops.

Trail location should follow previously informally made trails, unless land ownership, privacy, resource protection, or other considerations prevent this. These informal routes are usually the most direct, and people are likely to continue to use them regardless of future development. Location of trails should avoid close proximity to structures and private residences.

~~Although the proposed vertical access easement will in fact be sited in~~ close proximity to the proposed tennis court, it is found in this case that by requiring a minimum 8-foot width for the trail in this area inland of the western property line, a maximum development potential will be created for the property owner which may reduce the impacts of the trail on the proposed development in this area.

In addition, future problems could occur as the Coastal Act regulations allow improvements to single family dwellings, without the requirement of a coastal development permit, unless it is found that the improvements conflict with (among other exceptions) public access. In order to ensure that coastal resources are not adversely impacted, the required deed restriction requires Commission review and approval of any potential improvements within the easement and open space area, prior to installation. As such, to resolve the potential conflict between Section 30211 and 30610 of the Coastal Act, Special Condition No. 3 requires further Commission review for any future development within those areas on the site. In so doing, the Commission is resolving the conflict in favor of protecting public recreational resources, as required by Section 30007.5 of the Act. However, at this time, only with mitigation measures required through the attached special conditions, can the project be found consistent with Sections 30211, 30212, 30610 and 30007.5 of the Coastal Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, only with the attached special conditions can such a finding be made. The subject site is located in an area designated for low density residential development and is zoned RI-20000 in the certified La Jolla Land Use Plan. The subject proposal is consistent with that zone designation.

The City of San Diego has prepared a draft Hillside Review Overlay Zone Ordinance which addresses the issue of development of steep slopes within

the coastal zone. The ordinances contain language protecting slopes over 25% grade and that they be preserved in their natural state. The ordinances specify that:

Where development is proposed on slopes of 25 percent grade and over which possess environmentally sensitive habitats or significant scenic amenities, or potential hazards to development, as identified on the HR Overlay Zone Maps, the following regulations shall apply:

1) Slopes of 25 percent grade and over shall be preserved in their natural state, provided a minimal encroachment into such slopes (areas disturbed by grading for development) may be permitted....

The ordinances then detail a sliding-scale table which allows some ~~encroachment into steep slope areas depending on the amount of the site~~ contained in steep slope areas. In addition, the ordinances state that all development on slopes of 25% grade and over located in the La Jolla or La Jolla Shores Community Plan areas, be found consistent with the Hillside Development Guidelines set forth in the La Jolla - La Jolla Shores Local Coastal Program Land Use Plan. That document contains language regarding allowable encroachment for the purposes of obtaining "minimum reasonable use" of a property which has historically been defined by the Coastal Commission as well as in the La Jolla/La Jolla Shores Local Coastal Program Addendum, as the construction of a single family residence.

In the subject case, it cannot be found that by requiring elimination of the proposed encroachment into the steep slope areas for the pool and deck area, reasonable use of the site would be denied. Furthermore, the size of the proposed residence is 9,268 sq.ft. in living area which would indicate reasonable use of the site is being attained. The Commission finds the pool and deck areas which will encroach onto slopes of 25% gradient are inappropriately sited and inconsistent with Chapter 3 policies and the current and draft City of San Diego LCP documents pertaining to this site.

It should further be noted that this particular project did not require a Hillside Review Permit from the City of San Diego because only a small portion of the proposed development was situated within the Hillside Overlay Zone boundary which transects the subject parcel. Although the draft Hillside Ordinances which have been revised now contain language to the effect that should any portion of the parcel be located within the HR Overlay Zone, regardless whether any development is proposed within the HR zone, that all HR regulations would be applicable to the development. When the draft implementing ordinances for the LCP, as approved by City Council are implemented by the City, an HR permit will be required for the type of development proposed.

As mentioned in the other findings contained in this report, since the proposed development would interfere with the public's right of access to the shoreline, where acquired through use, approval of the project as

proposed, could seriously prejudice the City's LCP preparation abilities. However, as conditioned, to prevent such interference with an existing historic public trail, project approval will not result in prejudice to the City's LCP preparation abilities.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(7471R)

COMMISSION ACTION ON NOV. 18 1987

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other

PROJECT PROPERTY BOUNDARY LINE

PROJECT PROPERTY BOUNDARY LINE

PROJECT DATA:

OWNER: Mr. & Mrs. Armando de Peralta
 50 Broadway
 New York City, N.Y. 10004
 (212) 509-2880

LEGAL DESCRIPTION:
 Lot No. 1, La Jolla Farms Sub-Division
 Map No. 3487

ASSESSOR'S PARCEL NUMBER:
 342-011-05

SITE AREA: 2.37 Acres

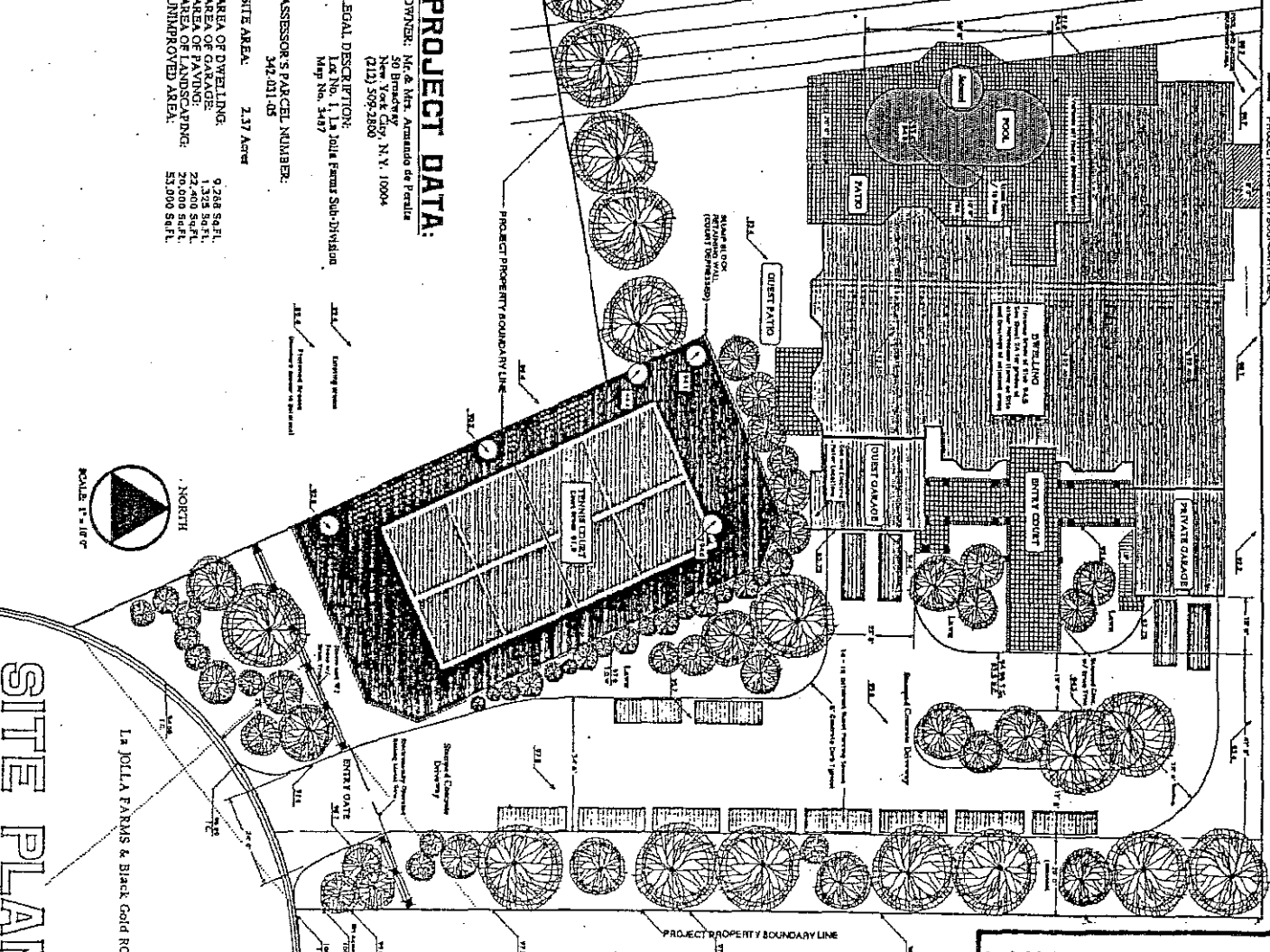
AREA OF DWELLING: 9,288 SQ.FT.
AREA OF GARAGE: 1,328 SQ.FT.
AREA OF PAVING: 22,400 SQ.FT.
AREA OF LANDSCAPING: 29,000 SQ.FT.
UNIMPROVED AREA: 53,000 SQ.FT.



SITE PLAN

LA JOLLA FARMS & Black Gold ROADS

Note: All dimensions are given in feet or feet and inches, unless otherwise specified by notes and dimensions. All dimensions should be verified and the Architect notified of any discrepancies or omissions. The architect is hereby a party to the final location of the proposed



SHEET NO. 1

Project No. 1000000000

PROPOSED RESIDENCE FOR
MR. ARMANDO de PERALTA
 LA JOLLA FARMS ROAD, SAN DIEGO, CA

**SITE PLAN AND
 SITE DETAILS**

Joe Lewis Wilk
 1848 South First Avenue, No. 20, E.P.
 SAN DIEGO, CALIF. 92108
 ARCHITECT, ELECTRICAL, MECHANICAL,
 AND CONSTRUCTION CONSULTANTS

EXHIBIT NO. 1

APPLICATION NO.
 687-471

Site Plan

SITE

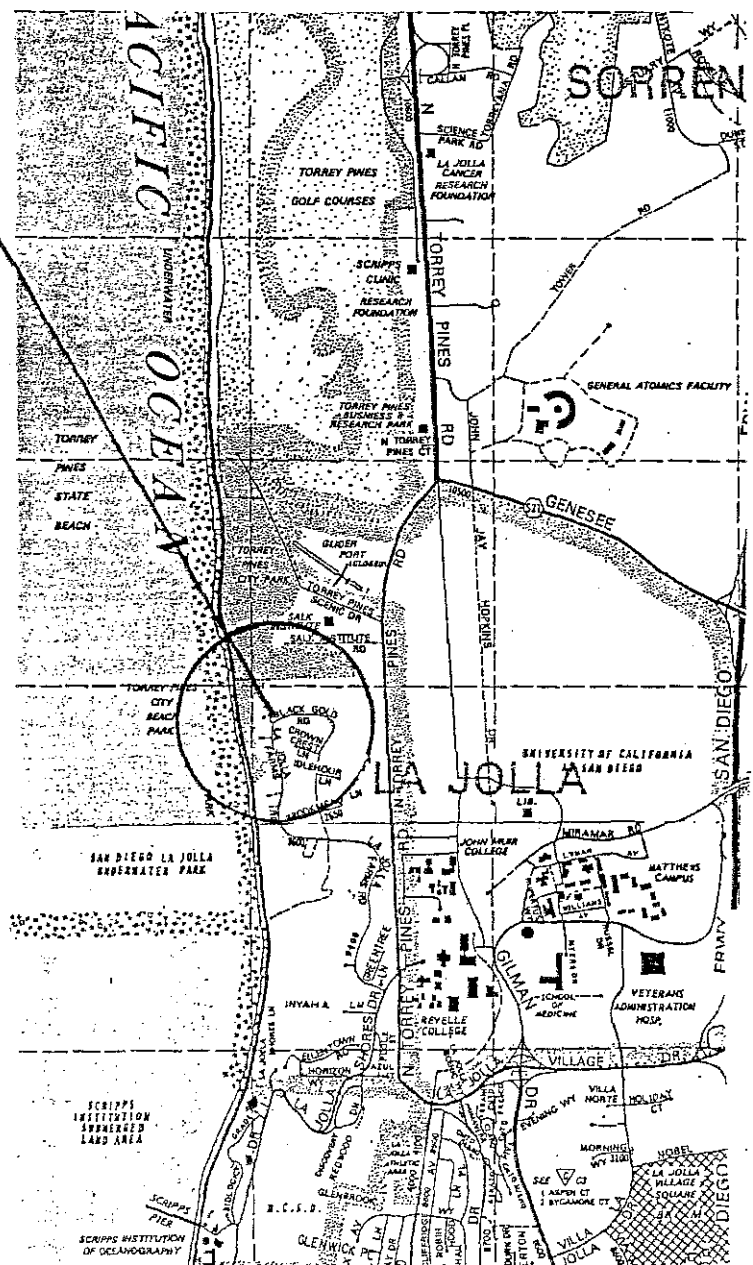
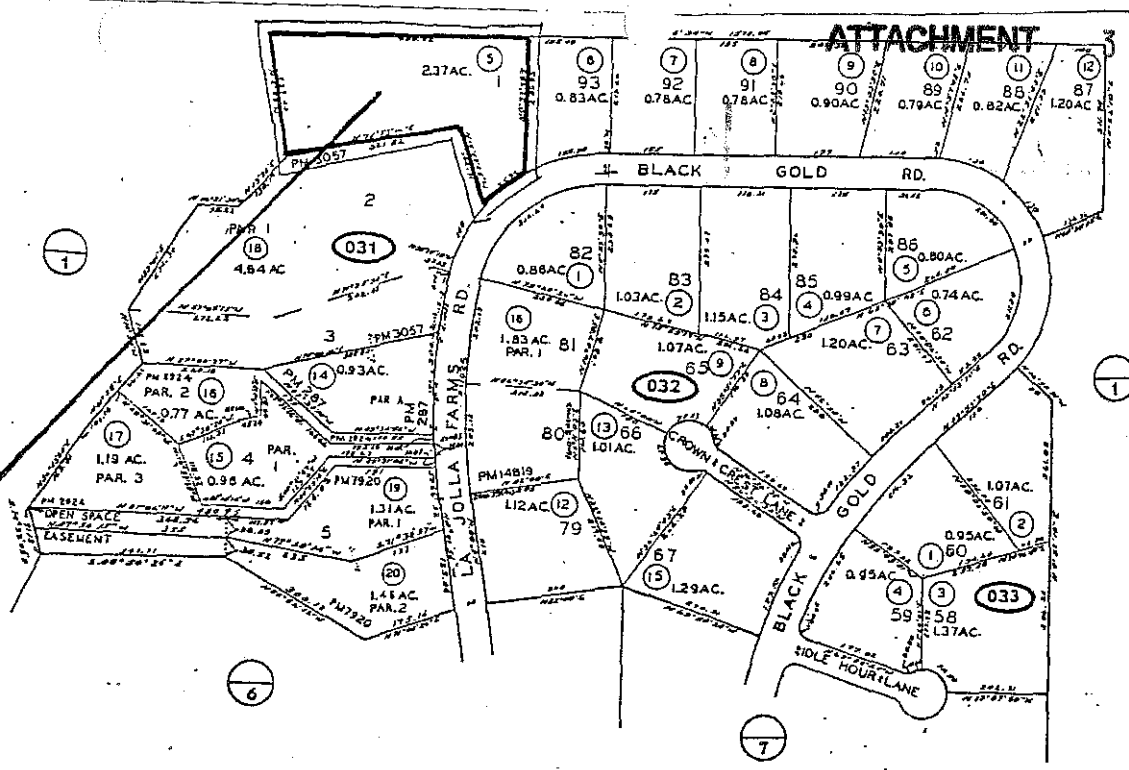
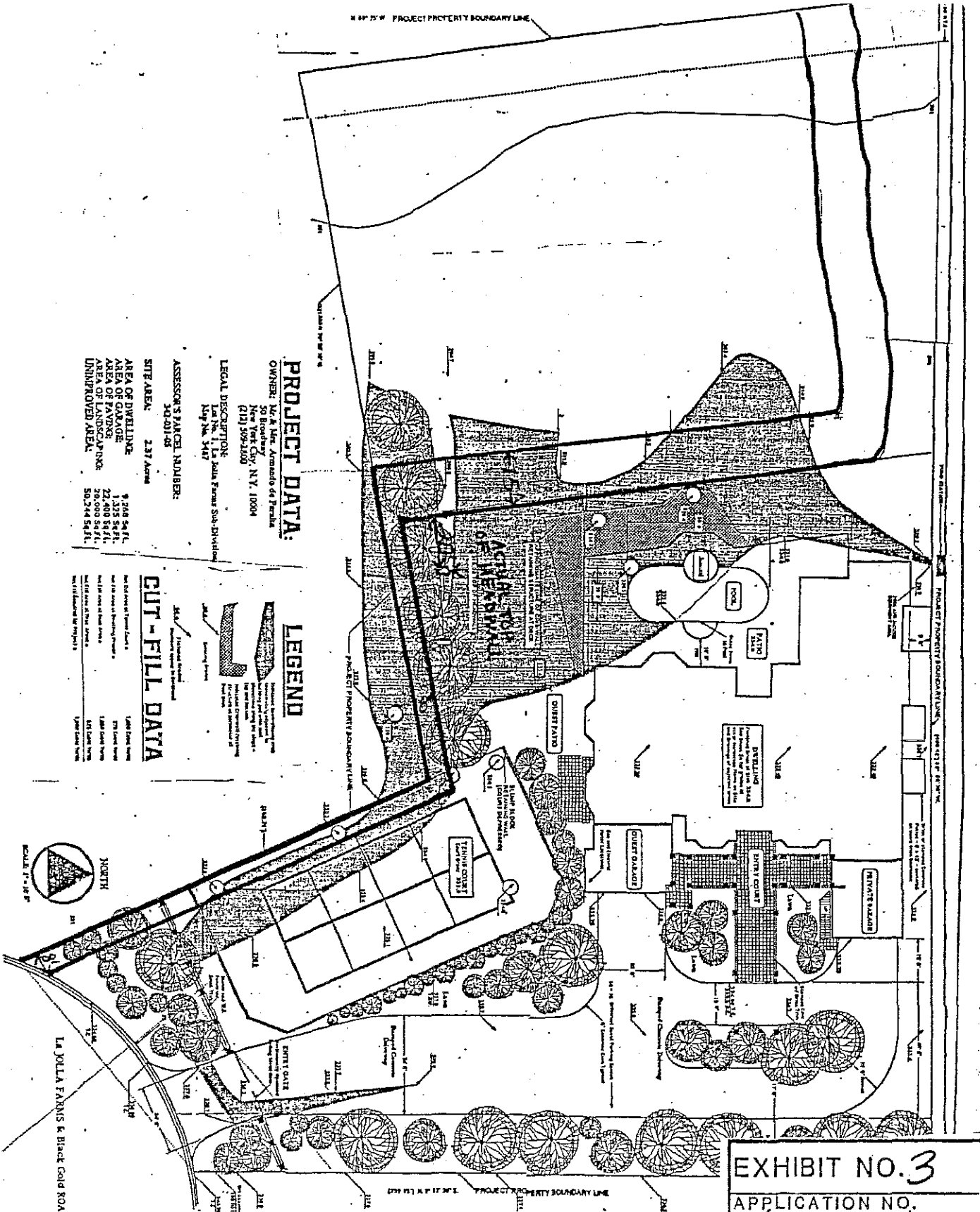


EXHIBIT NO. 2
 APPLICATION NO.
 6-87-471
 Location Maps



PROJECT DATA:

OWNER: Mr. A. J. Aronson & Family
 1234 5th Ave.
 New York City, N.Y. 10004
 (212) 555-1234

LEGAL DESCRIPTION:
 Lot No. 1, La Jolla Farms Sub-Division
 Map No. 3487

ASSESSOR'S PARCEL NUMBER:
 40-01-05

SITE AREA: 2.37 Acres

AREA OF DWELLING: 9,208 Sq. Ft.
AREA OF GARAGE: 1,200 Sq. Ft.
AREA OF PAVING: 22,700 Sq. Ft.
AREA OF LANDSCAPE: 26,000 Sq. Ft.
UNIMPROVED AREA: 50,244 Sq. Ft.

LEGEND

CUT-FILL DATA

Legend symbols for various site features:

- Existing Building Footprint
- Proposed Building Footprint
- Existing Driveway
- Proposed Driveway
- Existing Parking Area
- Proposed Parking Area
- Existing Landscaping
- Proposed Landscaping
- Existing Utility Lines
- Proposed Utility Lines
- Existing Easement
- Proposed Easement

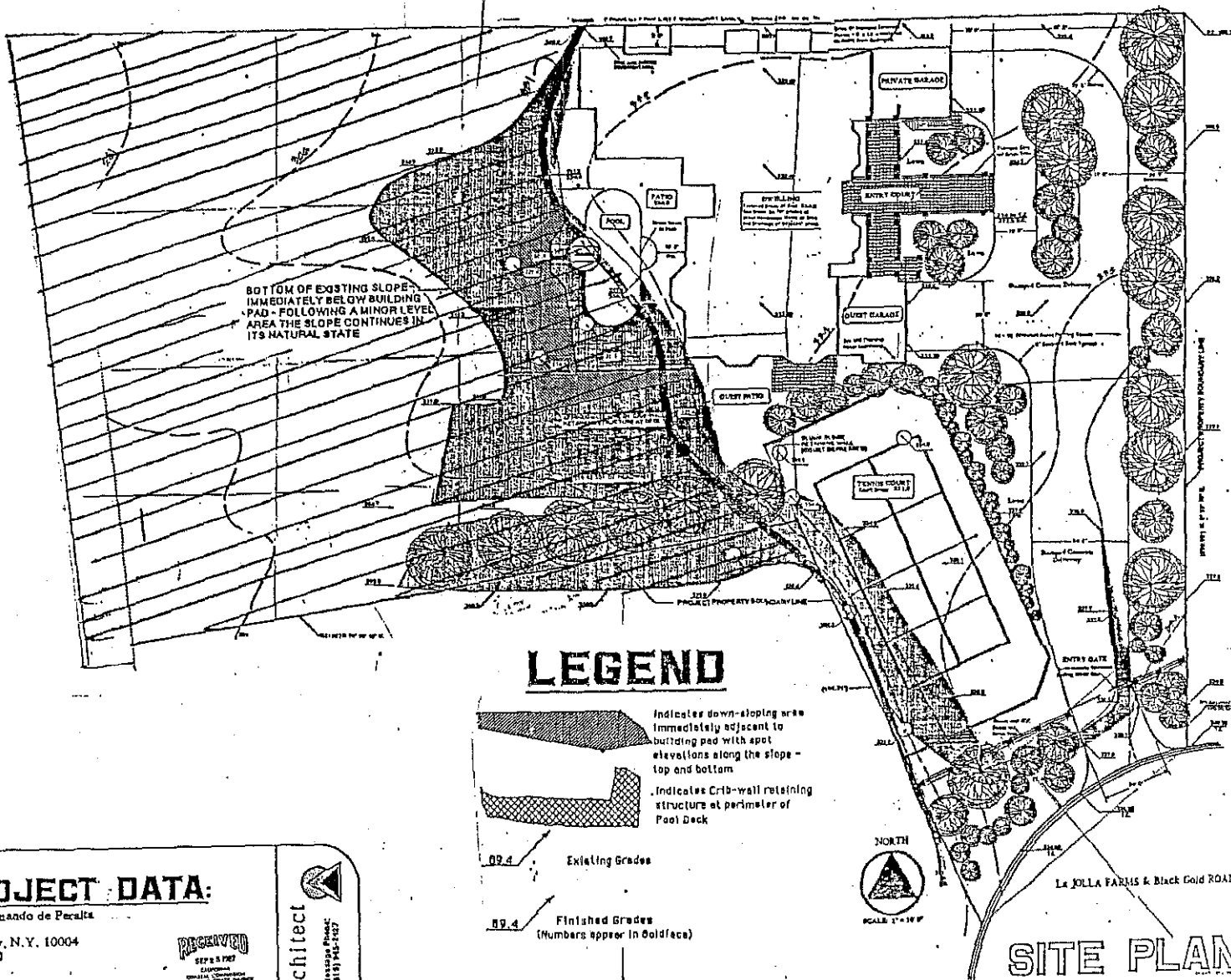
EXHIBIT NO. 3

APPLICATION NO.
687-471

*Proximity of
 access easement
 (in concept)*



LA JOLLA FARMS & BLACK GOLD ROAD



LEGEND

- Indicates down-sloping area immediately adjacent to building pad with spot elevations along the slope - top and bottom
- Indicates Crib-wall retaining structure at perimeter of Pool Deck
- Existing Grades
- Finished Grades (Numbers appear in boldface)

= 25% slopes

SITE PLAN

EXHIBIT NO. 4

APPLICATION NO.

6-87-471

Slope Analysis

205 54 PM 9/25/97

PROJECT DATA:

OWNER: Mr. & Mrs. Armando de Percalis
50 Broadway
New York City, N.Y. 10004
(212) 509-2800

LEGAL DESCRIPTION:
Lot No. 1, La Jolla Farms Sub-Division
Map No. 3487

ASSESSOR'S PARCEL NUMBER:
342-031-05

	By Area:	By Percent:
SITE AREA:	2.37 Acres	103,237 Sq. Ft. 100.00%
AREA OF DWELLING:	9,268 Sq. Ft.	8.98%
AREA OF GARAGE:	1,325 Sq. Ft.	1.28%
AREA OF PAVING:	22,400 Sq. Ft.	21.69%
AREA OF LANDSCAPING:	20,000 Sq. Ft.	19.38%
UNIMPROVED AREA:	50,244 Sq. Ft.	48.67%
PORTION OF LOT > 25% SLOPE:	57,300 Sq. Ft.	55.50%

PORTION OF PROJECT WHICH ENCROACHES INTO ABOVE: 2,700 Sq. Ft. *4.71%
 *(Expressed as a percentage of the Slope Area) **2.62%
 ***(Expressed as a percentage of the Total Lot Area)



Joe Lewis Wilkins, Architect
 1818 BROADWAY, NEW YORK, N.Y. 10019
 ARCHITECTURAL DESIGN, CONSTRUCTION DOCUMENTS
 AND CONSTRUCTION MANAGEMENT SERVICES

N 89° 30' W PROJECT PROPERTY BOUNDARY LINE

Hillside
Review
Overlay
Zone

PROJECT DATA:
 OWNER: Mr. & Mrs. Armando de Perillo
 50 Broadway
 New York City, N.Y. 10004
 (212) 509-2800
 LEGAL DESCRIPTION:
 Lot No. 1, La Jolla Forest Sub-Division
 Map No. 3447
 ASSESSOR'S PARCEL NUMBER:
 20-011-03
 SITE AREA: 1.37 Acres
 AREA OF DWELLING: 9,268 Sq. Ft.
 AREA OF DRIVE: 1,325 Sq. Ft.
 AREA OF LANDSCAPING: 27,400 Sq. Ft.
 UNIMPROVED AREA: 50,244 Sq. Ft.

LEGEND
 [Symbol] Existing Building
 [Symbol] Proposed Building
 [Symbol] Existing Driveway
 [Symbol] Proposed Driveway
 [Symbol] Existing Parking
 [Symbol] Proposed Parking
 [Symbol] Existing Landscape
 [Symbol] Proposed Landscape
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 [Symbol] Proposed Fencing
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 [Symbol] Proposed Utility
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 [Symbol] Proposed Easement
 [Symbol] Existing Right-of-Way
 [Symbol] Proposed Right-of-Way
 [Symbol] Existing Property Boundary
 [Symbol] Proposed Property Boundary

CUT-FILL DATA
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 [Symbol] Fill
 [Symbol] Existing Ground
 [Symbol] Proposed Ground

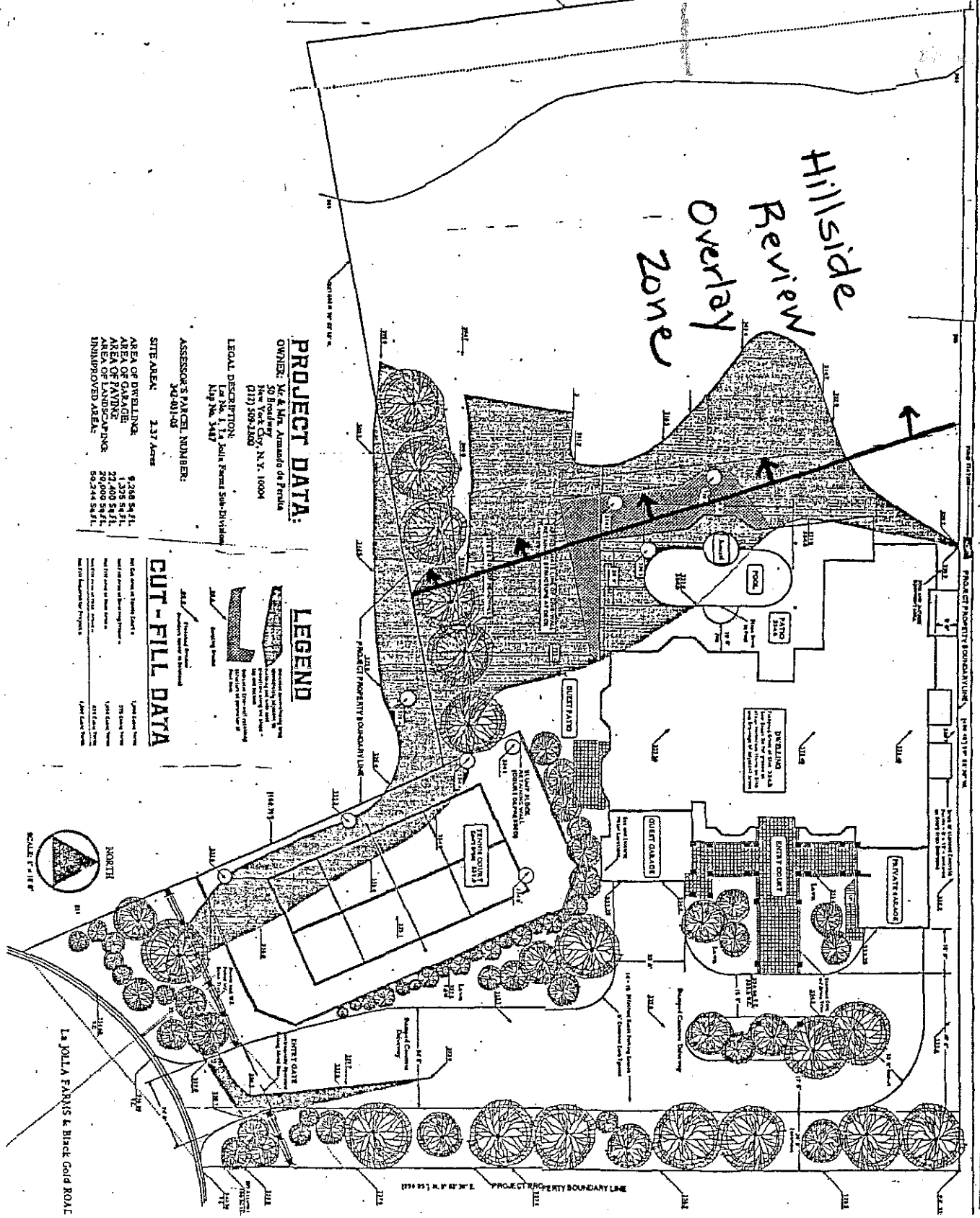
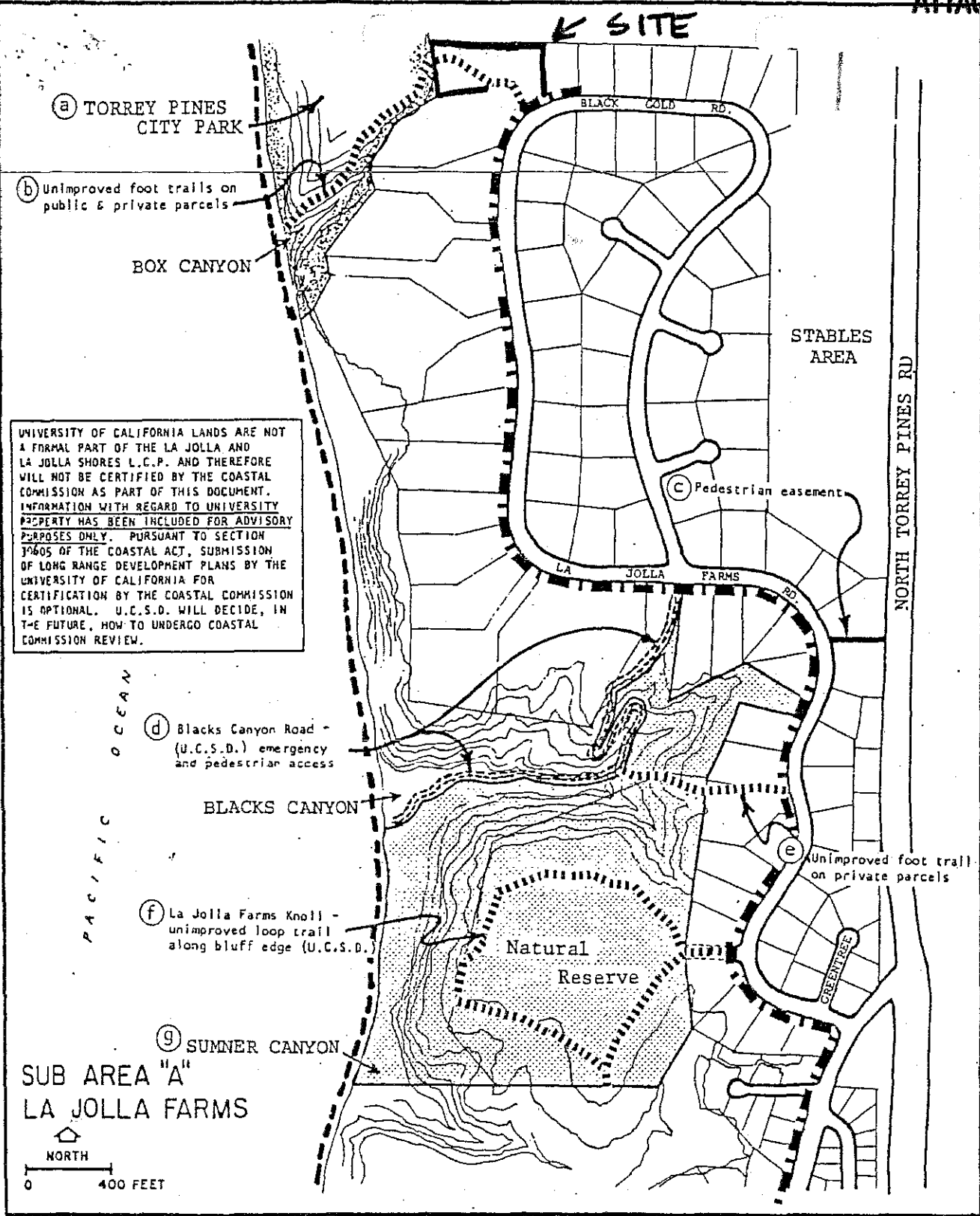


EXHIBIT NO. 5
 APPLICATION NO.
 6-87-471
 Site Plan showing
 HR Boundary Line



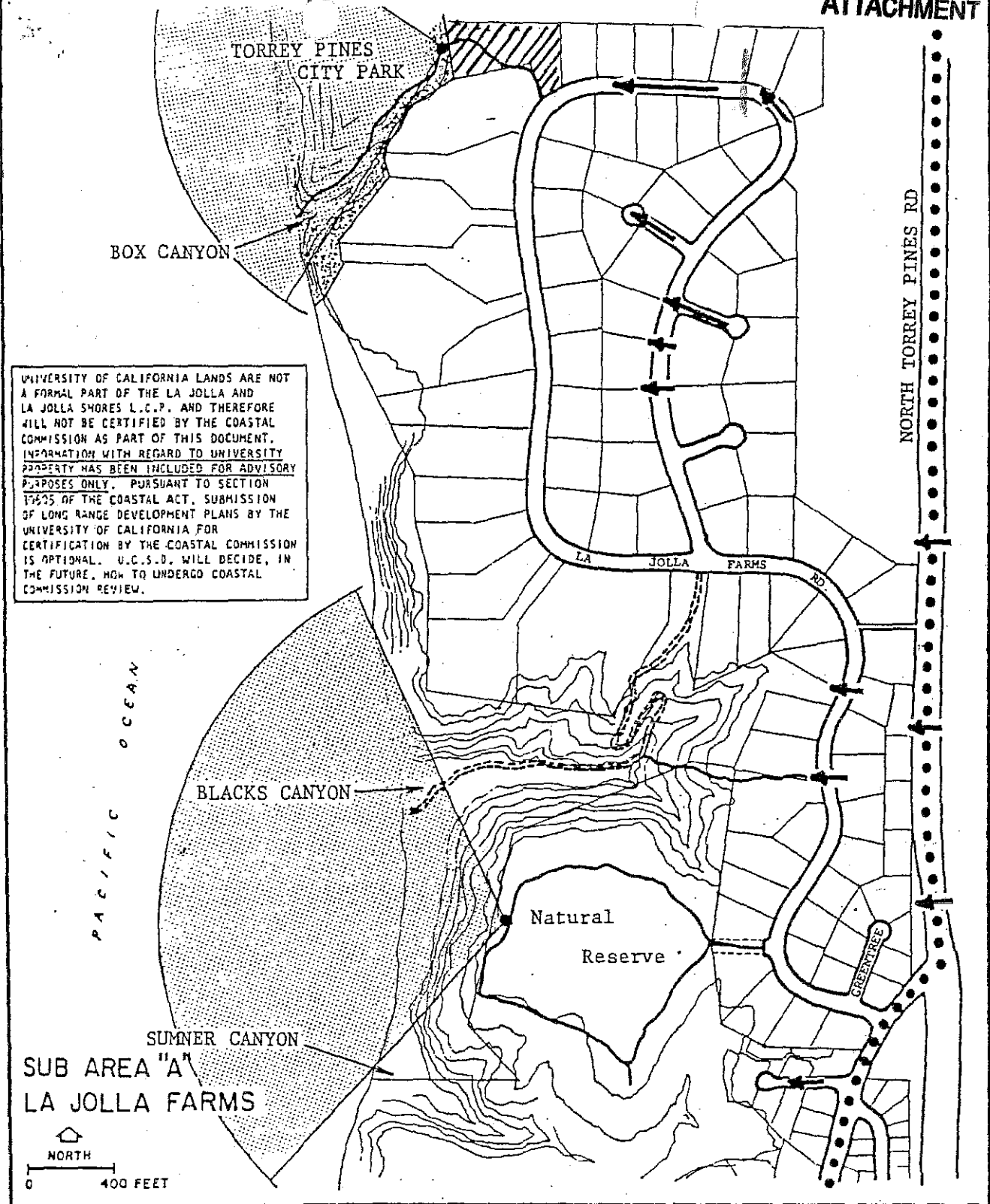
La Jolla • La Jolla Shores
LOCAL COASTAL PROGRAM • PHYSICAL SHORELINE ACCESS

FIGURE 5



CITY OF SAN DIEGO
 PLANNING DEPARTMENT

EXHIBIT NO. 6
 APPLICATION NO.
 6-87-471
 LCP Shoreline
 access trails



UNIVERSITY OF CALIFORNIA LANDS ARE NOT A FORMAL PART OF THE LA JOLLA AND LA JOLLA SHORES L.C.P. AND THEREFORE WILL NOT BE CERTIFIED BY THE COASTAL COMMISSION AS PART OF THIS DOCUMENT. INFORMATION WITH REGARD TO UNIVERSITY PROPERTY HAS BEEN INCLUDED FOR ADVISORY PURPOSES ONLY. PURSUANT TO SECTION 17525 OF THE COASTAL ACT, SUBMISSION OF LONG RANGE DEVELOPMENT PLANS BY THE UNIVERSITY OF CALIFORNIA FOR CERTIFICATION BY THE COASTAL COMMISSION IS OPTIONAL. U.C.S.D. WILL DECIDE, IN THE FUTURE, HOW TO UNDERGO COASTAL COMMISSION REVIEW.

La Jolla • La Jolla Shores
LOCAL COASTAL PROGRAM • VISUAL ACCESS

FIGURE 6



CITY OF SAN DIEGO
PLANNING DEPARTMENT

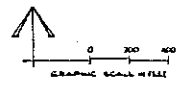
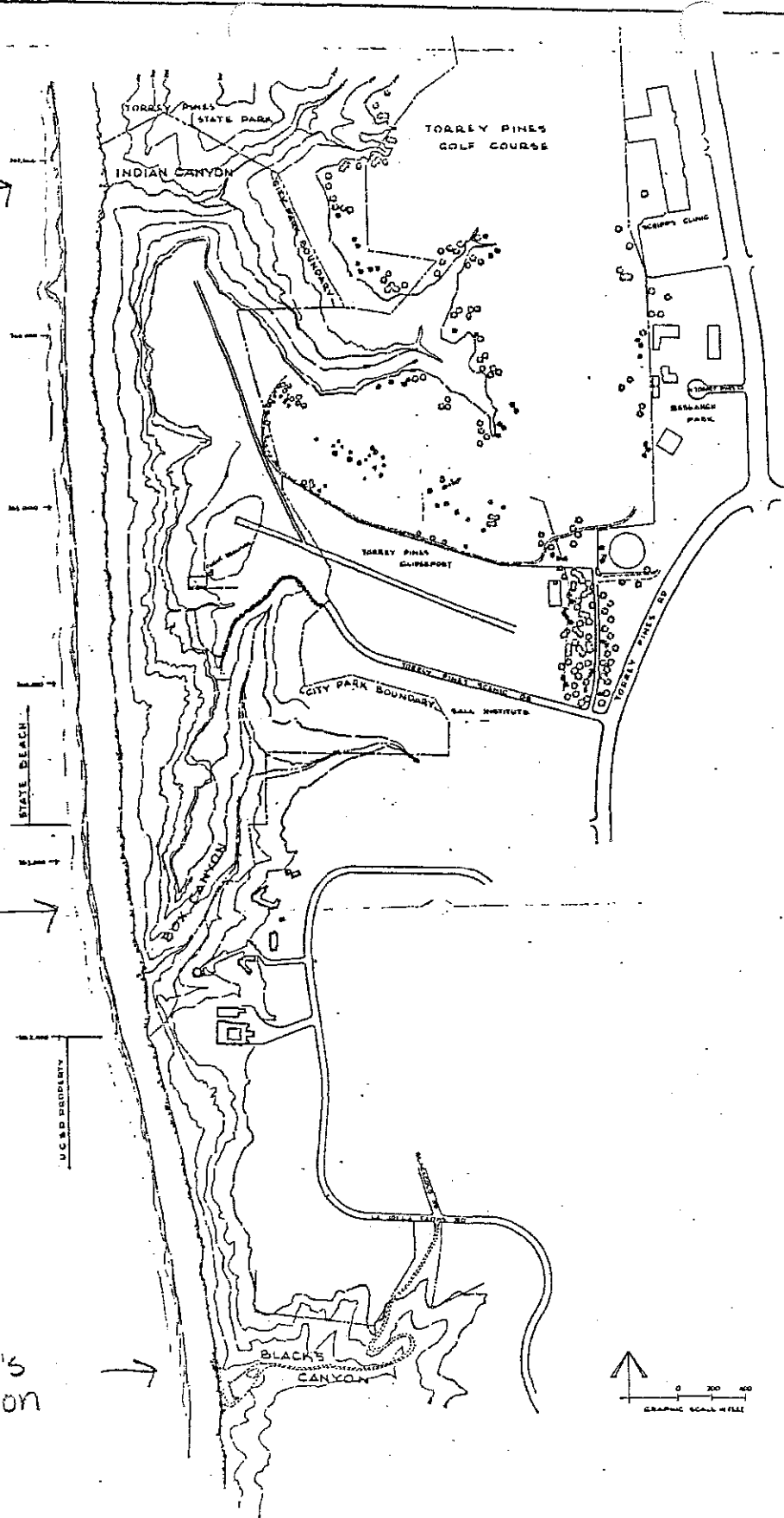
- MAJOR VISTA POINT
- EXISTING VIEW CORRIDOR
- SCENIC COASTAL ROADWAY

EXHIBIT NO. 7
APPLICATION NO.
6-87-471
LCP designating major vista points

Indian Canyon →

Box Canyon →

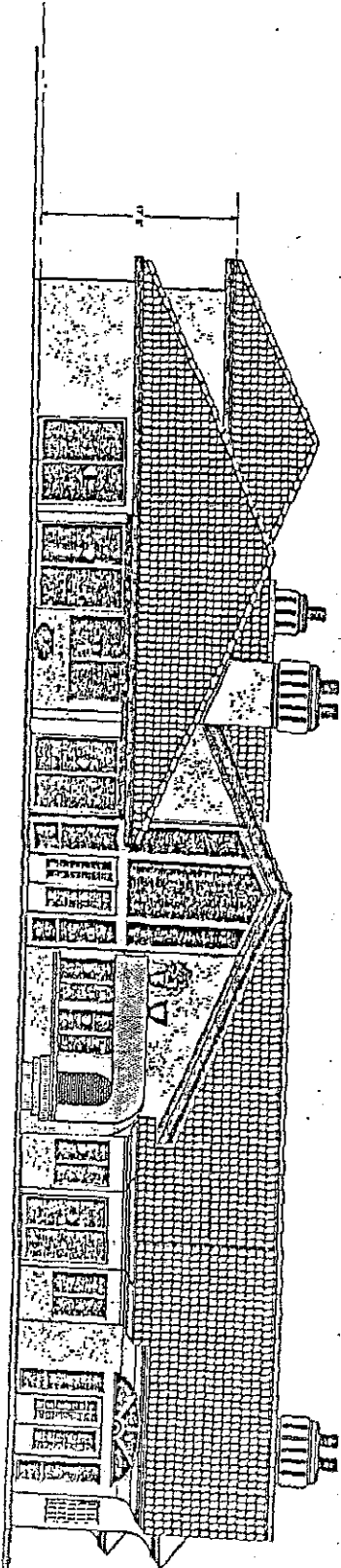
Black's Canyon →



TORREY PINES SHORELINE & CLIFFS
 FROM BLACK'S CANYON TO INDIAN CANYON

EXHIBIT NO. 8
 APPLICATION NO.
 6-87-471
 Exhibit showing
 relationship of Indian
 Box & Black's Canyon

REAR ELEVATION - VIEWED FROM WEST



FRONT ELEVATION - VIEWED FROM EAST

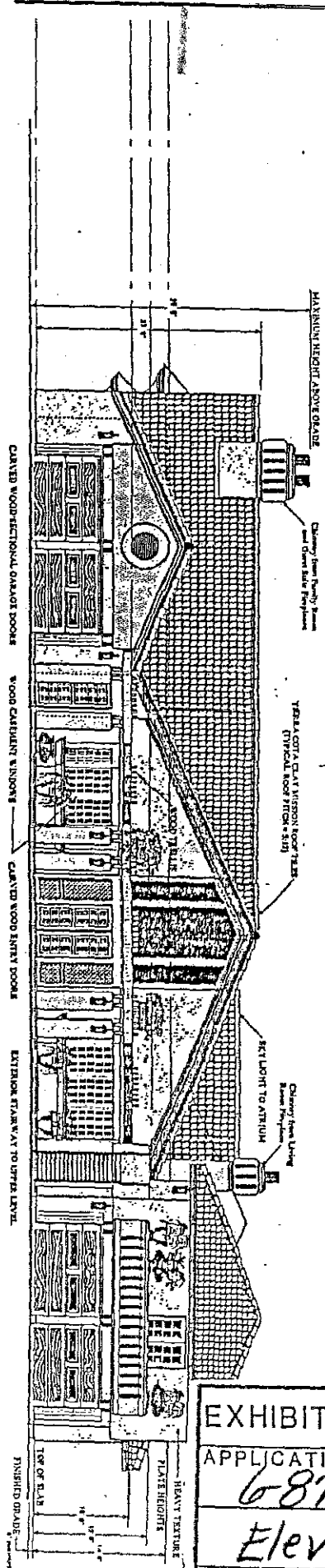
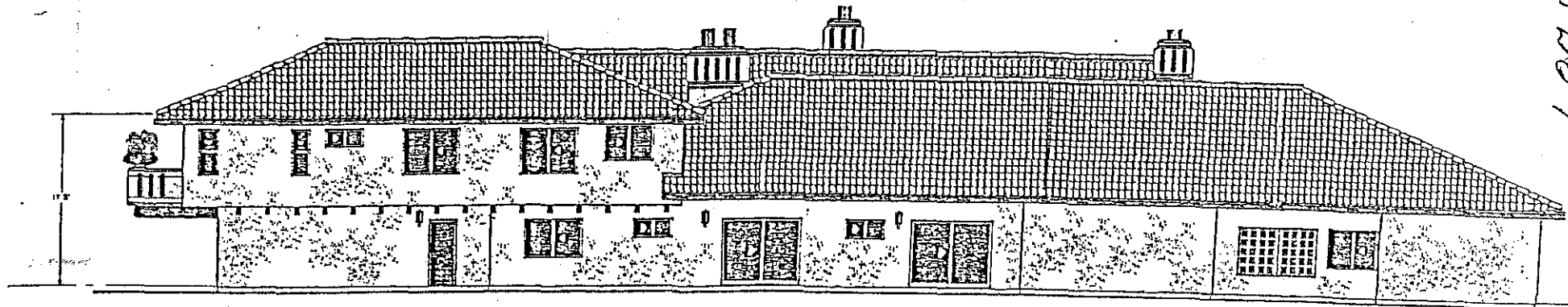
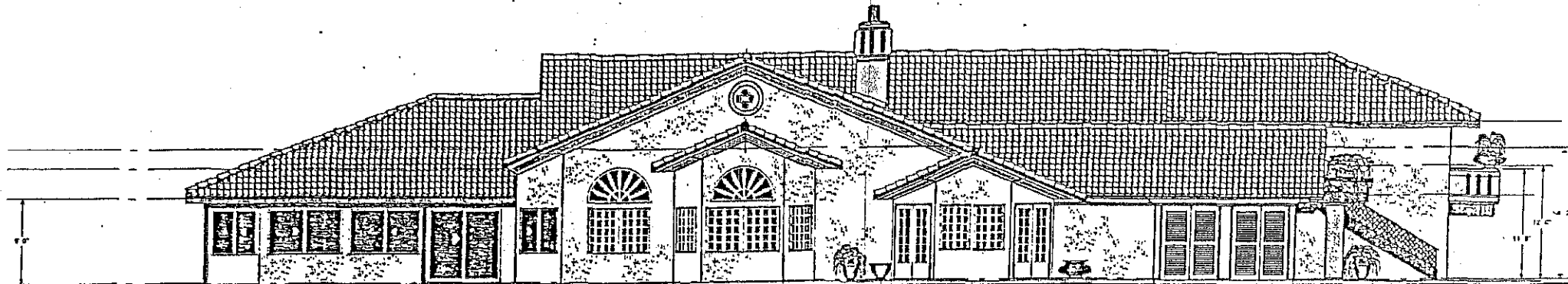


EXHIBIT NO. 9
 APPLICATION NO.
 687-471
 Elevations

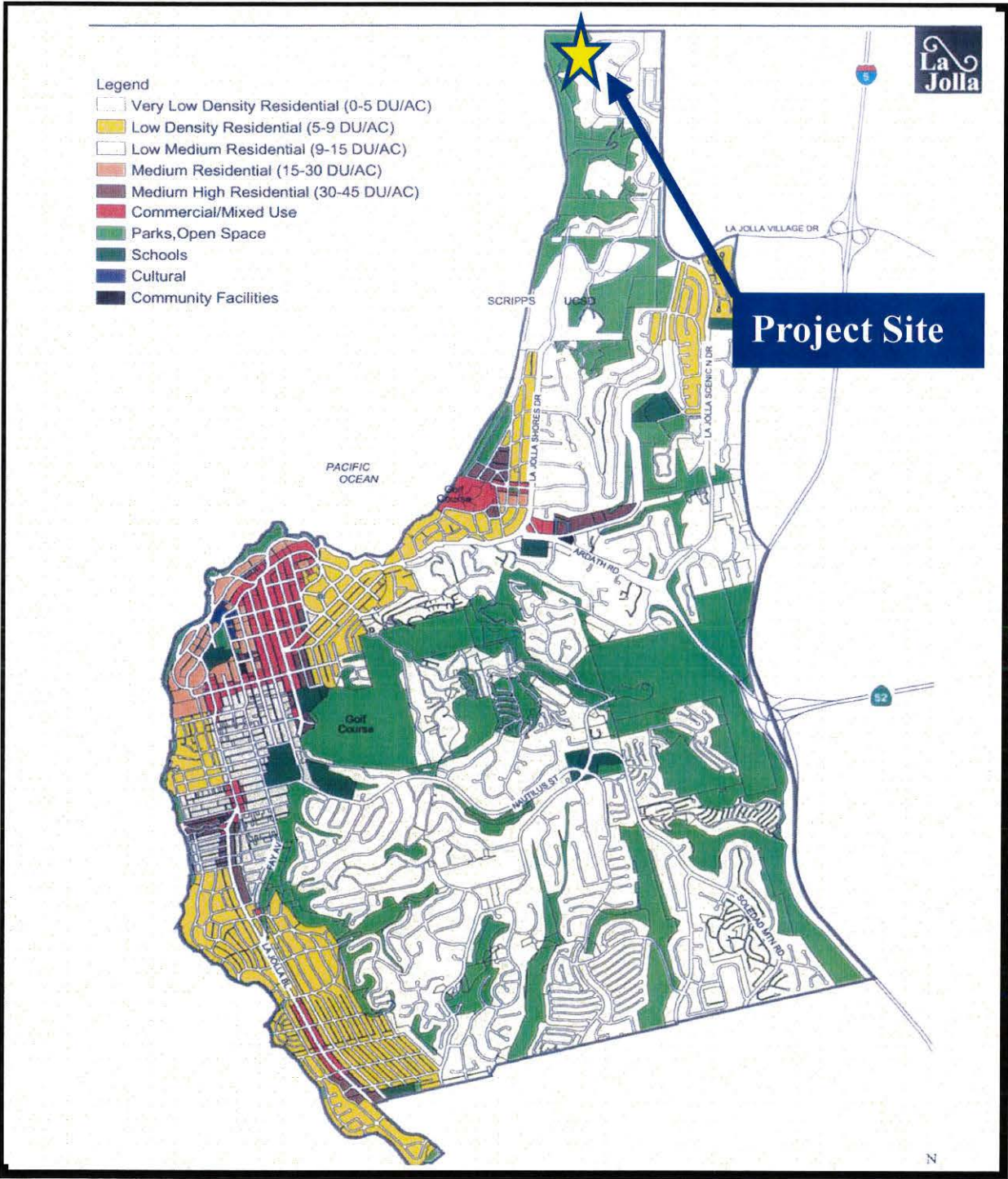
1-07-07



RIGHT SIDE ELEVATION - VIEWED FROM NORTH



LEFT SIDE ELEVATION - VIEWED FROM SOUTH



La Jolla Community Land Use Map

Wu/Tsai Residence, Project No. 260171
 9882 La Jolla Farms Road



PROJECT DATA SHEET

PROJECT NAME:	Wu/Tsai Residence	
PROJECT DESCRIPTION:	Demolish an existing residence and construct a new 11,710 square-foot, two-story single-family residence.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 du/ac)	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-2 HEIGHT LIMIT: 30 maximum height limit LOT SIZE: Min. 20,000 square feet; 102,127 square feet existing FLOOR AREA RATIO: 0.34 Max.; 0.11 provided FRONT SETBACK: Min. 15 feet; 25 feet provided SIDE YARD SETBACK: Min. 10 feet; 10 feet provided REAR SETBACK: Min. 25 feet; 25 feet provided PARKING: 7 parking spaces required; 7 provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Park/Open Space; OP-1-1	Open Space
SOUTH:	Very Low Density Residential; RS-1-2	Residential
EAST:	Very Low Density Residential; RS-1-2	Residential
WEST:	Park/Open Space; RS-1-1	Open Space
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 6, 2012, the La Jolla Community Planning Association voted 10-0-1 to recommend approval of the proposed project with no additional conditions.	

RESOLUTION NUMBER HO-XXXXXX

ADOPTED ON March 20, 2013

WHEREAS, on November 16, 2011, JANAY KRUGER submitted an application to Development Services Department for a Coastal Development Permit and a Site Development Permit, for the WU/TSAI RESIDENCE Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on March 20, 2013; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 260171 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project 260171.

By: _____

Tim Daly, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM****COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP)
PROJECT NO. 260171**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 260171 shall be made conditions of COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM: To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.

A. GENERAL REQUIREMENTS – PART I**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required

mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Biologist

Qualified Archaeologist

Qualified Native American Monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 268481, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit

Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/ Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Archaeology	Archaeology Reports	Archaeology Site Observation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Report	Biology/Habitat Revegetation Inspection
Biology	Land Use Adjacency Guidelines	Land Use Adjacency Issue Site Observations
Bond Release	Request for Bond Release Letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):

A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Review References (BRR), has been retained to monitor construction operations.

B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.

C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.

D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site specific fauna/flora surveys/salvage.

Construction Measures

1. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).
2. As determined at the Precon Meeting, the qualified project biologist shall supervise the installation of the limit of work fence (per approved Exhibit A) to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required.
3. All construction (including staging areas) shall be restricted to areas previously developed as shown on the aerial photo above (bare earth areas and dirt roads). The project biologist shall monitor construction activities as needed to ensure that construction activities do not

encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.
2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
4. MMC will provide written acceptance to the PQB and RE of the approved report.

Nesting Bird Mitigation (General) – Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to California Gnatcatcher

1. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 - III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE

THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED IN PROJECT AREA MHPA'S DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 - II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Revegetation-Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

Prior to Permit Issuance the Permit Holder shall:

1. Direct the Qualified Project Biologist (QPB) to identify and adequately document all pertinent information from the approved conceptual revegetation plan including program goals and requirements shown on Exhibit A which include landscape construction documents (LCDs) and submit permit level construction plans to the City's Development Services Review Sections (Environmental, Landscape, Permits, etc.) Approval from MSCP Staff may also be required in this case. Information shall include but not be limited to: each type of habitat, specific species removal and replacement plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat (show and identify existing vegetation to remain), erosion and sediment control, performance/success criteria, inspection schedule, document submittals, contingency bonding, reporting schedule, tables, graphics, notes, and conformance check with the approved "Exhibit A" documentation associated with the Discretionary permit.
2. Direct the QPB to provide, on the LCD, a table showing types of each habitat impacted and how it is to be restored and or enhanced along with the corresponding acreage and/or total number of plants being replaced as well as specific success criteria for each type of habitat and each reporting period
3. Direct the QPB to ensure the LCD includes comprehensive notes addressing the 120 day Plant Establishment Period (PEP) and the 24 Month Monitoring Revegetation Period (which occurs after PEP) is accepted by the City. Notes shall also address and provide recommendations for the ongoing maintenance requirements (after final acceptance of the LTMMP by the City).
4. Direct the QPB to ensure the LCD includes a note requiring the Permit Holder to enter into a bonded Biological Mitigation Agreement to assure success of the revegetation during the LTMMP. This may not be necessary when the construction permit that has an associated performance bond that is active and has included the revegetation and monitoring costs in their entirety within it and adequately assures success of the revegetation program to the satisfaction of MMC.

Prior to Start of Construction the Permit Holder shall hold a Preconstruction Meeting (Pre Con) and shall:

1. Direct the QPB to attend the Pre con Meeting (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Construction the Permit Holder shall have a Project Biologist Present During Construction/Grading/Excavation/Planting/Irrigation and shall:

1. Direct the QPB to supervise the placement of the orange construction fence (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Plant Installation the Permit Holder shall:

1. Direct the QPB to ensure that all clearing, grubbing, grading, contouring, excavation, trenching, installation of plant materials, and any necessary actions required during installation are done per the approved LCD.
2. Direct the QPB to review the mitigation area and assess completion of the installation and submit a letter report to Permit Holder who then submits it to RE/MMC requesting the Plant Installation Inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the Plant Installation Inspection, including all punch list items, MMC will provide written acceptance of plant installation to the RE and Permit Holder.
3. Direct the QPB to begin the 120 Plant Establishment Period (PEP) monitoring.

During the 120 Day Plant Establishment Period (PEP) the Permit Holder shall:

1. Direct the QPB to ensure that all maintenance and/ or remedial activities required during the 120 day PEP are done per approved LCD/BCME.
2. Direct the QPB to supervise the maintenance and be responsible for the monitoring of the revegetation mitigation area for a minimum of 120 Days. Maintenance visits shall be conducted on a weekly basis throughout the PEP, unless otherwise noted in the MMRP and/or LCD/BCME.
3. Direct the QPB to review the mitigation area and assess completion of the PEP and submit a report to the Permit Holder who will then submit the report to RE/MMC requesting the PEP inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the PEP inspection, including all punch list items, MMC will provide written acceptance of the PEP to the RE and PERMIT HOLDER.
4. Direct the QPB to begin the 25-Month; Long Term Maintenance and Monitoring Period (LTMMP).

During Post Construction the Permit Holder shall conduct a 25-Month, Long Term Maintenance and Monitoring Period (LTMMP) and shall:

1. Direct the QPB to ensure the required LTMMP activities and reporting shall include all items and performance standards described in the LCD/BCME.
2. Direct the QPB to evaluate the Revegetation effort both qualitatively and quantitatively to determine compliance with the performance standards identified on the LCD/BCME.
3. Direct the QPB to supervise the removal of the temporary irrigation system and construction BMPs and to verify this in writing on the final post-construction phase CSV.

During Post Construction the Permit Holder shall submit Progress and Annual Monitoring Reports and shall:

1. Direct the QPB to submit Annual Reports summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following that phase of required monitoring. A request for inspection shall accompany each annual report. After reviewing each report, MMC will schedule the inspection.

During Post Construction the Permit Holder shall submit a Final Monitoring Report and shall:

1. Direct the QPB to evaluate success of the mitigation effort and prepare a Final Monitoring Report upon achievement of the 25 month performance/success criteria.
2. Direct the QPB to submit the Final Monitoring Report and any outside agency reports to the RE/MMC for review and approval. A request for a final inspection shall also be submitted at this time. After review of the report RE/MMC will schedule the Final Inspection.
3. Direct the QPB to coordinate the final acceptance of the Revegetation Project. If at the end of the 25-months any of the revegetated/restored area fails to meet the project's final success criteria, the Permit Holder must consult with RE/MMC to resolve the situation.
4. It is the responsibility of the Permit Holder to understand that failure of any significant portion of the revegetation area may result in implementation of the contingency/remediation requirements to replace or renegotiate for failing portion(s) of the site and/or extend the establishment/maintenance/monitoring period until all success criteria are met to the satisfaction of MMC Staff.

MSCP Subarea Plan Land Use Adjacency Guidelines Mitigation

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage - All new and proposed developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems shall be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance shall include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay

- compounds) when necessary and appropriate. In general, any man-made storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.
- B. Toxics - Land uses, such as urban development, recreation and agriculture, that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. In addition, no trash, oil, parking, or other construction/development-related material/activities shall be allowed outside the established limits of disturbance (i.e. outside of the paved existing access roads). Measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance shall be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.
- C. Lighting- Lighting of all developed areas adjacent to the MHPA shall be directed away from the MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. All lighting shall also comply with City Outdoor Lighting Regulations LDC 142.0740
- D. Noise -Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Berms or walls shall be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and Wildlife Agency protocol. Adequate noise reduction measures shall also be incorporated for the remainder of the year.
- E. Barriers- New development adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- F. Invasives - No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the Fire Marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands per LDC 142.045(b)(2). Prior to issuance of any notice to proceed, the ADD Environmental designee shall verify that the construction plans specify that areas within or adjacent to the MHPA shall be hydroseeded or planted with a native seed mix and or native container stock, as shown on Exhibit A. All revegetation within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No

deviations shall be made from the EAS approved Exhibit A without prior EAS approval.

- G. Brush Management - New development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible per LDC 142.0412(d) and (h)(4). For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.
- H. Grading/Land Development- Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 3.B-C and 4.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4 below.

- a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
- b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

4. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

5. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections 3 - During Construction, and 4 – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction and 4- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

6. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical

Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section 4 – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HEARING OFFICER RESOLUTION NO. XXXXXX
Coastal Development Permit No. 918179
Site Development Permit No. 969328
WU/TSAI RESIDENCE PROJECT NO. 260171 (MMRP)

WHEREAS, JCT LOOKOUT, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing single-family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 918179 and 969328), on portions of a 2.34-acre site;

WHEREAS, the project site is located at 9882 La Jolla Farms Road in the in the RS-1-2, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, and Residential Tandem Parking Overlay Zones of the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 1 of La Jolla Farms, Map No. 3487 filed in the Office of the County Recorder, San Diego County on August 9, 1956;

WHEREAS, on March 20, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 918179 and Site Development Permit No. 969328 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 20, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

A. Findings for all Coastal Development Permits

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The site lies within the La Jolla Farms Subdivision and is bounded by La Jolla Farms Road to the east; with La Jolla Farms Road turning into Black Gold Road approximately 150 feet northeast of the site.

The surrounding area is designated and developed with single-family residential development. North, east, and south of the project site is zoned RS-1-2. A City-owned undeveloped parcel to the west and north of the site is zoned RS-1-1. Single-family residential uses are present to the northeast, east (across La Jolla Farms Road), and south. Immediately to the north and west of the site lies undeveloped Torrey Pines City Park, Box Canyon, and privately-owned open space. There is an existing, dedicated 8-foot wide public trail, which is accessed from La Jolla Farms Road, partially within the subject site. That trail extends down Box Canyon, and ultimately terminates at Black's Beach and the Pacific Ocean.

The subject site is located within Subarea A – La Jolla Farms Visual Access within the La Jolla Community Plan. The Community Plan identifies this portion of La Jolla Farms Road as a Scenic Overlook with “view over private properties from a public right of way.” La Jolla Farms Road is designated as a Scenic Roadway with “partially obstructed views over private property and down public ROW.”

The project would remove an existing residence, and construct a new residence on the west side of La Jolla Farms Road. Although the proposed home would be two levels, it would not block any existing or proposed public views to or along the ocean. There is an existing View Corridor easement which was dedicated across the north-central portion of the abutting property to the south to create a Scenic Overlook when looking west on Black Gold Road. The project proposes dedicating a 20-foot wide view easement and removing vegetation and other improvements across the frontage adjacent to La Jolla Farms Road to significantly enhance public views when looking west on Black Golden Road. The views created through the project site will coincide with the existing view corridor within the abutting property to the south.

La Jolla Farms Road is designated as a Scenic Roadway (i.e., partially obstructed views of the ocean between private properties) by the Community Plan. As stated, the project will provide a 20-foot wide View Corridor easement to create new views westerly and along Black Gold Road. The project related view easement is consistent with the Community Plan's Scenic Roadway and public view enhancement designation. Therefore, the project would not result in a obstruction of any vista or scenic view from the public Scenic Roadway as identified in the Community Plan.

To further ensure that the above-described views are preserved over the long-term, no structure or vegetation will exceed 36 inches above grade within the onsite View Corridor easement, with exception of the open fencing, which can be 75 percent open above 36 inches and tree canopies that will be trimmed to provide a minimum of 8-foot clearance from the ground.

The proposed project will comply with all requirements of the Municipal Code. Since the project maintains the existing public trail and will result in the creation of new public views, no impacts to existing public views to or along the ocean or from the scenic overlook have been identified. Therefore the Project will not impact existing and/or potential scenic overlooks or public views.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

This project is adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA) and partially located within the boundaries of the MSCP Subarea Plan, but is not within the MHPA. The northerly boundary of the subject site is adjacent to the mapped MHPA. The western property boundary is approximately 65 feet east of the MHPA. Approximately 1.33 acres of the site is classified as "Urban/Developed" because of its prior use as a single-family home site. As a result there are non-native invasive plants (ornamental landscaping and ice plant). The remaining 1.01 acres of the site is classified as Environmentally Sensitive Lands (ESL), as defined in the City of San Diego Biology Guidelines. This area supports both native and non-native plant habitat. The proposed project would include removal of certain invasive species and revegetation with natives. The site is bordered on the west and north by City Open Space within the MHPA preserve. The undeveloped portion of the site includes native southern maritime chaparral, as well as areas disturbed by a public trail and large areas covered with non-native hottentot-fig (*Carpobrotus edulis*). Other non-native species in the undeveloped portion of the property include Mexican fan palm (*Washingtonia robusta*), Jade plant (*Crassula argentea*), fountain grass (*Pennisetum setaceum*), giant reed (*Arundo donax*), and fennel (*Foeniculum vulgare*). No sensitive plant or animal species were observed on the property during the biological survey. The existing public trail provides coastal access to Black's Beach from La Jolla Farms Road through Box Canyon via an easement across the property. The proposed development makes no changes to this dedicated public trail easement.

The San Diego Municipal Code (SDMC) sec. 142.0411 requires that all invasive species be removed from a premises when there is potential for them to spread into the MHPA or other open space. The proposed project includes the removal of all invasive species from the property, including but not limited to the following: hottentot-fig, jade plant, giant reed, fennel, Mexican fan palm, fountain grass, Australian saltbush (*Atriplex semibaccata*), and cheesewood (*Pittosporum* sp.). Removal of these plants from outside the area proposed for impact by grading or Brush Management Zone (BMZ) 1 will be by hand, to minimize impact to native vegetation. Areas cleared of hottentot-fig and jade plant will be revegetated with native species in accordance with City landscape regulations concerning revegetation in BMZ 2. Temporary above-ground irrigation will be installed in revegetated areas. Other invasive species listed above occur singly among native vegetation, and removal of them will not result in cleared areas requiring revegetation.

The proposed project will not encroach beyond the development limits previously established, and will not further disturb ESL on the premises. In addition, all undisturbed portions of the site shall be included in a Covenant of Easement, recorded against the subject premises. Therefore, the proposed development will not adversely affect ESL.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The proposed development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program. The La Jolla Community Plan designates the site and surrounding area to the north, south and east as Very Low Density Residential (0-5 dwelling units/acre), and the canyon system west of the site as Parks/Open Space.

The surrounding area is single family residential in character and the project proposes a single family residence in conformance with specific policies and recommendations contained within the La Jolla Community Plan, including those regarding visual resources and community character. The project has been designed to avoid any adverse effect on the surrounding neighborhood and visual quality of the area. The surrounding neighborhood is built out with an eclectic mix of architectural styles and sizes of homes. The project complies with all required SDMC and Community Plan requirements governing bulk and scale, setbacks, maximum buildout, rooflines, and landscaping. The project does not propose any design or site deviations and has substantially greater side and front and rear yard setbacks than required by the applicable SDMC provisions. The SDMC requires a 25-foot front and rear yard setback. The project setbacks at their closest points in the front will be 53 feet to the companion unit and 183 feet to the main house. The rear setbacks would 267 feet. The side yard setback requirement is 10 feet and the side yard setbacks will range from 10 feet to 50 feet. The project would also have a Floor Area Ratio (FAR) of 0.11 where there is an allowed FAR of 0.34, based upon steep slopes. In addition, the tallest elements of the proposed residence would be limited to a height of 28.37 feet above grade where 30 feet is allowed. The SDMC allows up to 50 percent coverage and the project proposes only 9.6 percent. The proposed residence would be terraced back from the street to avoid a bulky or walled off appearance, with the second level of only 1,939 square feet covering the first level. The second level element of the project would also be stepped back from the front property line by at least 247 feet.

The exterior walls would be articulated and consist of earth tone colors, materials, stone features, and the roof will be flat. The proposed construction materials and architectural style would be compatible with the character of the surrounding homes. The project site would also be extensively landscaped in order to soften and blend visual transitions between the proposed residence, the companion unit, hardscape surfaces, the trail, pool and other features. The project would therefore not create a negative aesthetic, or be incompatible with the architectural design, bulk, scale, materials, height and style of other homes found in the surrounding neighborhood.

The proposed project would comply with all requirements of the SDMC and no impacts have been identified. The proposed architecture is consistent with, and will be similar to the surrounding developed single family residential homes with varying side, front and rear yard setbacks, heights, floor area ratios, and architectural features. The character of the area is made up of a mix of architectural styles and the proposed home, companion unit and swimming pool would not alter the existing character of the area or neighborhood or otherwise degrade the existing visual quality of the site. Therefore, the proposed coastal development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The proposed development is located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The site is within Subarea A, La Jolla Farms – Physical Access of the La Jolla Community Plan. An unimproved foot trail is identified through a portion of the site that provides access through Torrey Pines City Park and ultimately to the beach. There is an existing easement that formalizes the Public Access through the subject property.

The proposed project would not significantly increase the use of, or demand for neighborhood or regional parks or other offsite recreational facilities over that which presently exists in the local area. The proposed use is also consistent with zoning and applicable City land use plans. Additionally, the project already contains a unpaved trail easement in the southerly 8 feet of the property that provides pedestrian access to numerous trails, scenic overlooks, and a direct access from La Jolla Farms Road to Black's Beach through Box Canyon. The project does not include recreation facilities or require the construction or expansion of recreation facilities that might have an adverse physical effect on the environment.

Therefore the project is in conformity the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan.

The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The proposed development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program. The La Jolla Community Plan designates the site and surrounding area to the north, south and east as Very Low Density Residential (0-5 dwelling units/acre), and the canyon system west of the site as Parks/Open Space. The surrounding area is single family in character and the project proposes a single-family home in conformance with specific policies and recommendations contained within the certified La Jolla Community Plan, including those regarding visual resources and community character. The project has been designed to avoid any adverse affect on the surrounding neighborhood and visual quality of the area. The surrounding neighborhood is built out with an eclectic mix of architectural styles and sizes of homes. The project complies with all required SDMC and Community Plan requirements governing bulk and scale, setbacks, maximum buildout, rooflines, and landscaping. The project does not propose any design or site deviations and has substantially greater side and front and rear yard setbacks than required by the applicable SDMC provisions. The SDMC requires a 25-foot front and rear yard setback. The project setbacks at their closest points in the front will be 53 feet to the companion unit and 183 feet to the main house. The rear setbacks would 267 feet. The side yard setback requirement is 10 feet and the side yard setbacks will range from 10 feet to 50 feet. The project would also have a Floor Area Ratio (FAR) of 0.11 where there is an allowed FAR of 0.34, based upon steep slopes. In addition, the tallest elements of the proposed residence would be limited to a height of 28.37 feet above grade where 30 feet is allowed. The SDMC allows up to 50 percent coverage and the project proposes only 9.6 percent. The proposed residence would be terraced back from the street to avoid a bulky or walled off appearance, with the second level of only 1,939 square feet covering the first level. The second level element of the project would also be stepped back from the front property line by at least 247 feet.

The exterior walls would be articulated and consist of earth tone colors, materials, stone features and the roof would be flat. The proposed home materials and architectural style would be compatible with the character of the surrounding homes. The project site would also be extensively landscaped in order to soften and blend visual transitions between the proposed residence, the companion unit, hardscape surfaces, the public trail, pool and other features. The project would therefore not create a negative aesthetic, or be incompatible (or markedly contrast) with the architectural design, bulk, scale, materials, height and style of other homes found in the surrounding neighborhood.

The design of the project is consistent with the La Jolla Community Plan and all applicable SDMC provisions and would not be visually incompatible with existing pattern of development in the area. The proposed project would comply with all requirements of the SDMC and no impacts have been identified. The proposed architecture is consistent with, and will be similar to

the surrounding developed single family residential homes with varying side, front and rear yard setbacks, heights, floor area ratios, and architectural features. The character of the area is made up of a mix of architectural styles and the proposed home, companion unit, and swimming pool would not alter the existing character of the area or neighborhood or otherwise degrade the existing visual quality of the site.

The project has been evaluated for compliance with the adopted La Jolla Community Plan. The proposed development plans will not conflict with this land use plan. Through the review of the proposed project, it was determined to be consistent with the plan's land use designation and the development regulations of the RS-1-2 Zone. Therefore, the proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources and will 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 site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

This project has been designed to comply with all of the applicable development regulations. The subject site is developed and zoned for, and surrounded by, single-family residential use. The permit, controlling the development and continued use of this site, contains conditions addressing the project's compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Permit conditions will require compliance with several operational constraints and development controls, to assure the continued health, safety, and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site and prevent adverse affects to those persons or other properties in the vicinity. All aspects of the development comply with the land use regulations so that the proposed development with the conditions of the permit, which include compliance with all applicable building codes, regulations, and standards, will 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 site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence,

a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

This project complies with the development regulations of the RS-1-2 Zone, Environmentally Sensitive Lands Regulations, and the LCP Land Use Plan in La Jolla. This project is adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). Project's construction and operation will not adversely affect the MHPA. The scale, design, and character incorporated into the proposed home are consistent with the scale, design and character of the existing single family development in the surrounding area. The proposed home will incorporate building materials and colors consistent with existing homes in the vicinity. The proposed project will be visually compatible with the architectural materials and varied design themes of existing one and two-story residential developments along this coastal zone. The proposed home will enhance the visual quality of the site and surrounding area. With the adoption of the permit conditions, the proposed single-family residence will be in conformance with all relevant regulations including floor area ratio, setbacks, height, parking and all other relevant regulations. No deviations or variances are proposed for the project. Therefore, the proposed development complies with the applicable regulations of the San Diego Municipal Code/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 project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping. The property contains Environmentally Sensitive Lands because of sensitive biological resources and steep hillsides.

A Biological Letter Report was prepared by Helix Environmental Planning Inc. dated August 18, 2012. According to the Report, the project site contains both undisturbed and disturbed land from the previous single family development. Direct impacts from development and Brush Management Zone (BMZ) 1 for the project would include a total of 1.41 acres of urban/disturbed land none of which are considered sensitive, or require mitigation. Due to the adjacent native habitat a brush management plan would be required for the site.

BMZ 1 would be entirely within the existing development pad area and would therefore not affect biological resources. BMZ 2 would extend northward from the edge of the proposed development and is considered impact neutral and requires no mitigation. BMZ 2 activities would not result in a significant impact on biological resources as compliance with the City's brush management requirements in SDMC sec. 142.0412 would require preferential avoidance of native and sensitive species, avoidance of clearing in the general bird breeding season and other safeguards to protect biological resources. The project would therefore not have a substantial adverse effect

on any special-status species listed by the regulatory agencies or identified as such in local or regional plans, policies, or regulations. Project impacts on sensitive species would be less than significant with required nesting bird mitigation and MSCP land use adjacency guideline mitigation outlined in the biology and land use portions of Section V of the MND.

The site is currently fully developed with a home and is surrounded with single family homes. Torrey Pines City Park and Box Canyon are to the west. The adjacent Multiple Species Conservation Program, Multi-Habitat Planning (MSCP/MHPA) areas will not be adversely affected by the proposed project. Currently no sensitive plants are reported on-site. The 2.34 acre property currently consists of a 1.33 acre developed pad in the east and a 1.01 acre "undeveloped" area to the west. The developed pad contains an existing single family residence, and the undeveloped portion includes native southern maritime chaparral, as well as areas disturbed by a public trail and large areas covered with non-native hottentot-fig (*Carpobrotus edulis*). Other non-native species in the undeveloped portion of the property include Mexican fan palm (*Washingtonia robusta*), Jade plant (*Crassula argentea*), fountain grass (*Pennisetum setaceum*), giant reed (*Arundo donax*), and fennel (*Foeniculum vulgare*). No sensitive plant or animal species were observed on the developed portion of the property during the biological survey. There are no potentially jurisdictional features on the property. The existing public trail provides coastal access to Black's Beach from La Jolla Farms Road to Box Canyon via an easement across the property. The proposed development makes no changes to the easement or the existing public access trail.

The SDMC sec. 142.0411 requires that all invasive species be removed from a premises when there is potential for them to spread into the MHPA or other open space. The proposed development includes removal of all invasive species from the property, including but not limited to the following: hottentot-fig, jade plant, giant reed, fennel, Mexican fan palm, fountain grass, Australian saltbush (*Atriplex semibaccata*), and cheesewood (*Pittosporum* sp.). Removal of these plants from outside the area proposed for impact by grading or BMZ 1 will be by hand, to minimize impact to native vegetation. Areas cleared of hottentot-fig and jade plant will be revegetated with native species in accordance with City landscape regulations concerning revegetation in BMZ 2. Temporary above-ground irrigation will be installed in revegetated areas. Other invasive species listed above occur singly among native vegetation, and removal of them will not result in cleared areas requiring revegetation.

The project would comply with the California Fish and Game Code, Section 3503 and Federal Migratory Bird Protection Act requirements, precluding any possible direct and/or indirect effect on nesting birds within vegetation on-site.

A Cultural Resources Survey and Report was prepared by Laguna Mountain Environmental Inc., dated August 2011. No historical resources as defined in CEQA Guidelines section 15064.5 were identified during the cultural survey conducted for the Area of Potential Effect (APE), nor did the records search indicate the existence of any recorded sites on the property. There is low potential for encountering buried historical resources within the APE due to nearly complete removal of native topsoils and geologic formations (that typically contain subsurface cultural materials) from previous grading associated with construction of the existing residence; and due to prior use including ornamental landscaping, and subsequent demolition of the previous residence; and due to prior use including ornamental landscaping, and subsequent demolition of the previous residence. Nevertheless, there is a potential for land disturbance activities to expose subsurface cultural resources.

Implementation of the City's standard cultural resources monitoring requirements as outlined in Section V of the MND would reduce project impacts on historical resources to below a level of significance.

A total of approximately 770 cubic yards of cut to a maximum depth of approximately 5 feet would occur for demolition and site preparation, and swimming pool implementation. As the project meets the cubic yardage and depth threshold criteria, paleontological monitoring would be required on-site to reduce impacts to below a level of significance. However, with implementation of the City's standard paleontological resources monitoring requirements, to be conducted by qualified individuals during grading/excavation activities (refer to the MND), project impacts on paleontological resources would be less than significant. See Section V of the MND for further details.

The proposed project will not encroach beyond the development limits previously established, and will not further disturb any Environmentally Sensitive Lands on or off the premises. In addition, all undisturbed portions of the site are within an existing deed restricted non-building area or shall be included in a Covenant of Easement, recorded against the subject premises. Therefore, 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.

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 site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The site is located on a relatively flat building pad with a steep hillside on the southern part of the property that leads to the canyon edge. The site is located in Geologic Hazard Category 53 (level or sloping terrain with unfavorable geologic structure, low to moderate risk) according to the City of San Diego Seismic Map. The existing project site is finely graded and proposes minimum fine grading for new concrete pads and footings for the proposed residence. No environmentally sensitive lands will be affected by the proposed project.

The project as designed will ensure the environmentally sensitive lands will not be adversely impacted by the demolition of the existing residence nor the proposed development. In addition, all drainage be directed away from the coastal bluff in order to reduce, control, or mitigate erosion of the steep hillside and and subject to approval by the City Engineer. Based on the Preliminary Geotechnical Investigation Report prepared by a Christian Wheeler Engineering, dated July 20, 2012 and the above information, the site is stable enough to support the proposed residence and site improvements and the proper engineering design for the new structure would ensure that the potential for geologic and erosional hazards would not be significant.

The proposed project will not result in undue risk to flood hazards. The project site is not located within the FW (Floodway) or FPF (Floodplain Fringe) zones. The existing drainage system designed for the project is consistent with relevant requirements of the City Engineer and minimize risks associated with runoff and erosion. With the exception of possible seismic shaking, significant geologic hazards were not observed and are not known to existing on the site that would adversely affect the proposed project. The site is adjacent to a highly flammable area of native or naturalized vegetation and will require brush management. A Brush Management plan has been prepared and will be implemented during construction of the proposed project. Therefore, the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic, erosional forces and/or flood and fire hazards

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

This project is adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). Project's construction and operation will not adversely affect the MHPA and will be required to comply with the MSCP Land Use Adjacency Guidelines (MSCP Subarea Plan, Section 1.4.3) to reduce potential indirect impacts to sensitive biological resources resulting from construction and overall project implementation to below a level of significance.

The proposed project will not encroach beyond the development limits previously established, and will not further disturb Environmentally Sensitive Lands on or off of the premises. In addition, all undisturbed portions of the site are within an existing deed restricted non-building area or shall be included in a Covenant of Easement, recorded against the subject premises. Therefore, the proposed development will be sited and designed to prevent adverse impacts on 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 project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The project site is located adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA) and proposes to restrict development to within the area previously developed onsite, thereby avoiding direct impacts to adjacent sensitive habitat. Project construction and operation must not adversely affect the MHPA. Therefore, the project would be required to comply with the MSCP Land Use Adjacency Guidelines (MSCP Subarea Plan, Section 1.4.3) to reduce potential indirect impacts to sensitive biological resources resulting from construction and overall project implementation to below a level of significance. Potential indirect impacts may include lighting, drainage, toxins, invasive plant species, noise, and brush management. Proposed lighting adjacent to the MHPA, as well as open space areas, would be directed away from these areas and shielded, and subsurface piping, vegetated swale and a riprap dissipater. Compliance with the City's Storm Water Standards and Best Management Practices would minimize pollutant and toxin runoff. Landscape planting would consist of either native plant species or non-invasive ornamental plant species. No long-term noise impacts would occur as a result of project implementation. All brush management activities would comply with the City's brush management requirements, and would occur outside of the MHPA. Consistency with the MHPA Land Use Adjacency Guidelines would reduce potentially significant indirect land use impacts to below a level of significance.

The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing single family residence and construct a new two-story, 9,708 square foot single family residence, a single story 951 square foot companion unit, a 1,051 square foot garage, swimming pool, retaining walls, hardscape, and landscaping.

The project is located approximately 1,600 feet from the existing public beach. The proposed development is designed to include drainage control measures to direct drainage to the public street to ensure that the proposed structure would not contribute to the erosion of the canyon edge or public beaches and will not adversely impact local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline and supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The project site is located at 9882 La Jolla Farms Road. The 2.34 acre site is located in the RS-1-2 Zone of the La Jolla Community Plan area and within the Coastal (appealable), First Public Roadway, Coastal Height Limit, Beach and Parking Impact, Transit Area Overlay and Residential Tandem Parking Impact zones and the Airport Influence Area of Marine Corp Air Station Miramar. The site is previously developed with a single family residence and is already served by all necessary utilities. The project will demolish the existing

single family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping.

The property is located at the top of a bluff facing the Pacific Ocean. This project has been designed and conditioned to meet all Environmental Sensitive Lands regulations. A Mitigated Negative Declaration (MND) No. 260171 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental effects to biological resources and historical (archaeological) resources. Subsequent revisions in the project proposal create the specific mitigation identified in the MND and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. The project avoids or mitigates the potentially significant environmental effects previously identified. Therefore, the nature and extent of the mitigation required, as a condition of the permit is reasonable related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 918179 and Site Development Permit No. 969328 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 918179 and Site Development Permit No. 969328, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: March 20, 2013

Job Order No. 24002270

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002270

Coastal Development Permit No. 918179
Site Development Permit No. 969328
WU/ TSAI RESIDENCE PROJECT NO. 260171 (MMRP)
Hearing Officer

This Coastal Development Permit No. 918179 and Site Development Permit No. 969328 is granted by the Hearing Officer of the City of San Diego to JCT Lookout, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0504. The 2.34-acre site is located at 9882 La Jolla Farms Road in the in the RS-1-2, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, and Residential Tandem Parking Overlay Zones of the La Jolla Community Plan area. The project site is legally described as Lot 1 of La Jolla Farms, Map No. 3487 filed in the Office of the County Recorder, San Diego County on August 9, 1956.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing single-family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, swimming pool, retaining walls, hardscape, and landscaping described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolish the existing 10,383 square-foot single-family residence and construct a new two-story, 9,708 square feet single family residence, a single story 951 square feet companion unit, a 1,051 square feet garage, and swimming pool;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Approximately 830 linear feet total of retaining walls with a maximum height of 8 feet; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by *[ENTER DATE including the appeal time]*.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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 Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

10. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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. However, in such an event, the Owner/Permittee 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 proposed 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.

12. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 260171, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 260171, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Biological Resources; and
- Historical (Archaeology) Resources.

ENGINEERING REQUIREMENTS:

16. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private storm drain connection in the City of San Diego storm drain easement.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

22. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009 DWQ and the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2007-001, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 2009-0009-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 2009-0009-DWQ.

23. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

24. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

GEOLOGY REQUIREMENTS:

25. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

26. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

27. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

28. Prior to issuance of construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Coastal Bluffs and Beaches Guidelines and to the satisfaction of the Development Service Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A", on file in the Office of the Development Services Department.

29. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

30. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, and/or Encroachment Maintenance Removal Agreement (EMRA), if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards. All landscape proposed within the View Corridor Easement shall be no taller than 36 inches at maturity without pruning. Any trees proposed within view corridors shall be maintained by thinning and pruning of the tree canopy to a height of eight feet or greater and shall not significantly obstruct the view corridor.

32. Prior to issuance of construction permits for grading, the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to the MHPA and sensitive coastal canyon, shall not include non-native, exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited.

33. Owner/Permittee shall preserve public views through height, setback, landscaping, fence, wall and gate transparency regulations of the Land Development Code that limits the building profile and maximizes view opportunities. Public views include, but are not limited to view corridors, scenic overlooks, viewsheds and vantage points on property between the ocean first coastal roadway.

34. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

35. The Owner/Permittee shall maintain non-permanently irrigated landscape for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

36. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydro-seeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A" (including Environmental conditions) on file in the Office of Development Services. The applicant shall provide the live seed germination percentages in the Hydro-seed Mix.

37. Prior to issuance of any construction permit the applicant shall enter into a Landscape Easement and Maintenance Agreement (LEMA) for any and all required landscape and revegetation, satisfactory to the Development Services Department.

38. Brush management activities are prohibited within coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral habitats from March 1 through August 15, except where approved documentation has been provided that the thinning would be consistent with conditions of species coverage described in the City of San Diego's MSCP Subarea Plan.

PLANNING/DESIGN REQUIREMENTS:

39. Owner/Permittee shall maintain a minimum of seven (7) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

40. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

41. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources, Steep Hillsides, and Sensitive Coastal Bluffs, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

42. Prior to the issuance of any construction permits, the Owner/Permittee shall record a 20 feet wide View Corridor Easement as shown on Exhibit "A," in accordance with SDMC section 132.0403.

43. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

44. No structures or landscaping shall be installed in or over the existing sewer easement that would inhibit vehicular access to replace a section of main or provide access to any appurtenance or isolated section of main.

45. No approved improvements or landscaping, including private water facilities, grading and enhanced paving, shall be installed in or over any easement prior to the Owner/Permittee obtaining an Encroachment Maintenance and Removal Agreement.

46. No trees shall be installed within 10 feet of any sewer facilities or in the existing sewer easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easement.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on March 20, 2013 and Resolution Number HO-XXXXXX.

DRAFT

Permit Type/PTS Approval No.: CDP No. 918179

SDP No. 969328

Date of Approval: March XX, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

JCT Lookout, a California Limited Liability Company
Owner/Permittee

By _____
NAME:
TITLE:

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



PO Box 889, La Jolla, CA 92038
 http://www.LaJollaCPA.org
 Voicemail: 858.456.7900
 info@LaJollaCPA.org

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
 La Jolla Recreation Center, 615 Prospect Street

President: Tony Crisafi
 Vice President: Joe LaCava
 Treasurer: Orrin Gabsch
 Assistant Treasurer: Jim Fitzgerald
 Secretary: Dan Allen

Thursday, 6 September 2012

FINAL MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Bob Collins, Michael Costello, Dan Courtney, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Tim Lucas, Nancy Manno, Cindy Thorsen, Frances O'Neill Zimmerman.

Absent: Devin Burstein, Laura Ducharme-Conboy, Tony Crisafi, David Little, Phil Merten.

1. Welcome and Call To Order: Joe LaCava, Vice President, at 6:03 PM

Swearing in of Incoming Trustee – Bob Collins

Vice President LaCava administered the LJCPA Oath of Office to new Trustee **Bob Collins** who was elected in the Special Election at the August meeting to fill a 3-year term that ends in April 2014.

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Gabsch, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.
 Abstain: LaCava.

3. Meeting Minutes Review and Approval – 2 August Regular Meeting

Approved Motion: Motion to approve Minutes of 2 August Meeting, (Manno/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.
 Abstain: LaCava.

4. Elected Officials Report - Information Only

A. San Diego City Council District 2 - Councilmember Kevin Faulconer

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. San Diego City Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Councilmember Lightner reported that the Children's Pool lifeguard tower construction contract has been let and startup is scheduled this fall; the Children's Pool rope barrier was postponed at the Planning Commission and will be heard in late September at the earliest; she is working with the Save La Jolla Post Office Task Force; action on the Cove stench requires approval from the Coastal Commission and from the Regional Water Quality Control Board, and meetings with those agencies have been scheduled; on Torrey Pines Road improvements, \$1 million is available to remove obstructions on the north sidewalk, the slope stabilization on the south side in the region opposite Little Street will begin late in 2013, and there is a shortfall of \$20 million to proceed with the remainder of the Torrey Pines Road Plan.

5. Non-Agenda Public Comment - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

A. UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>

Ms. Delouri was not present.

General Public Comment

John Beaver expressed his concern that the building under construction on the west side of La Jolla Shores Drive at UCSD Scripps Institute of Oceanography (MESOM building) is destroying the ocean view there. He read his letter, which was published today in both La Jolla weekly papers.

Paul Metcalf stated a clarification that his client, Encore Trust, will abide by the terms of the approval of their project (LJCPA meeting March 2012) and there are no plans to add back a guesthouse.

6. Non-Agenda Items for Trustee Discussion

Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

On the subject that **Mr. Beaver** addressed, **Trustee Fitzgerald** recalled the presentation to the La Jolla community by UCSD on the plans for the MESOM Building at Scripps Institute of Oceanography at which time there was assurance the views over the site would not be impaired. **Trustee Allen** related that the "photo simulations" of the MESOM Building are still on the UCSD Physical and Community Planning website (<http://commplan.ucsd.edu/MESOM/MESOM%20Photosimulation%20RFS.pdf>) demonstrate more ocean views with the proposed building than can be seen with the current construction. He read from the May 2011 Mitigated Negative Declaration for the project: "The proposed project has been designed such that the topography of the site would conceal almost all of the building below the grade of the road. No significant ocean views are blocked, and no significant adverse effects to aesthetics would occur as a result of the proposed project"

Approved Motion: To suspend the Rules to consider the matter of the UCSD Scripps Institute of Oceanography MESOM building, (Allen/Zimmerman, 11-0-1).

(Not on the posted agenda; 2/3 vote required per Brown Act if there is need to take immediate action and the need for action came to the attention of the body subsequent to the agenda being posted)

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

Approved Motion: To send a letter to the UCSD Chancellor and to the Coastal Commission asking that construction be stopped on the MESOM Building until the discrepancy can be explained, (Allen/Zimmerman, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

7. Officer's Reports**A. Secretary**

Trustee Allen stated LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance one maintains membership and becomes eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application. Forms are on-line at www.lajollacpa.org.

B. Treasurer

Trustee Gabsch asked assistant treasurer, **Jim Fitzgerald**, to give the Treasurer's report. **Trustee Fitzgerald** presented the results for the past month. August Beginning Balance: \$347.33 + Income \$173.02 – Expenses \$99.86 = September Beginning Balance: \$420.49. Expenses for the month included agenda printing and telephone expenses.

Trustee Fitzgerald commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations are in cash to preserve anonymity.

8. President's Report – Action Items where indicated

Vice President LaCava gave the report.

A. Children's Pool Rope Barrier – Planning Commission Hearing Aug. 30 canceled

B. Tong EOT - Hearing Officer continued this item to Oct. 10, 2012

C. Palazzo SCR – Notice of Decision noticed Aug. 17; no appeal made

D. FY2014 Capital Improvement Program Budget – CPGs invited to submit recommendations

There are three training sessions for this process. Trustees wishing to attend should contact Vice President LaCava. LJCPA will take action in October and/or November.

E. Development Services Reorganization

A memorandum from Kelly Broughton, Development Services Department Director, along with a new organization chart was e-mailed earlier to the Trustees.

9. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

A. 5628 La Jolla Blvd

PDO Action: Signage and façade colors comply with the PDO 6-0-0.

5628 La Jolla Blvd.- Review signage and façade colors for LJPDO code compliance in LJPDO zone

B. Herringbone Sidewalk Café Permit

DPR ACTION: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue. 7-0-1

7837 Herschel Ave- 151 sq ft sidewalk café permit with railing at 3 ft 6 inches tall and clearances of 8 ft throughout and 3 street trees

C. EC English School

DPR ACTION: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in the existing building at 1010 Prospect Street. 6-0-2

1010 Prospect Street – SDP and CUP to amend CUP 93-0685 to increase the number of students and employees from English language vocational school in an existing building.

D. Tong Residence EOT

DPR ACTION: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road. 7-0-1

961 La Jolla Rancho Rd. - Extensions of Time for Coastal Development Permit 139245 and Site Development Permit 141335 for Environmentally Sensitive Lands to demolish an existing Single Dwelling

Approved Motion: Motion

To accept the action of the Planned District Ordinance Committee: (A) 5628 La Jolla Blvd: Signage and façade colors comply with the PDO, and forward the recommendation to the City,

To accept the actions of the Development Permit Review Committee: (B) Herringbone Sidewalk Café Permit: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue, (C) EC English School: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in an existing building at 1010 Prospect Street, and forward the recommendations to the City,

(Collins/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

Approved Motion: To accept the action of the Development Permit Review Committee: (D) Tong Residence EOT: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road, and forward the recommendation to the City, (Costello/Gabsch, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.
Abstain: LaCava.

10. Reports from Other Advisory Committees - Information only

- A. Coastal Access and Parking Board** - Meets 1st Tues, 5pm, La Jolla Recreation Center.
The continuing and newly appointed members of the Board met September 4 and elected **Dan Allen** chairman. Only two of three seats on the Board assigned to LJCPA are filled, and so volunteers are encouraged to come forward. Meeting time was changed to 5PM.
- B. Community Planners Committee** - Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego.
Trustee LaCava reported that the CPC is working on participation of Community Planning Associations in the development of the list of 2014 Capital Improvement Projects, as also announced in the President's Report.

11. Valet Permit 909 Prospect St - Action Item

909 Prospect St. - Request for Valet Parking permit for Barfly restaurant.

T & T ACTION (July 2012): Motion to approve, 4-1-1.

LJCPA ACTION (August 2012): Pulled from Consent Agenda by Nancy Manno.

Applicant: Troy Martin, owner of Finest City Valet

Mr. Martin explained that the white curb is already designated. There was valet parking there previously. Utilization of the valet service is open to the public and not just to patrons of adjacent businesses. The fee will be \$10 flat rate. A City valet permit is \$700 initially and \$300 each year thereafter.

Approved Motion: To approve valet parking for Barfly restaurant, 909 Prospect Street, (Brady/Thorsen, 10-1-1).

In favor: Allen, Bond, Brady, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Collins.

Abstain: LaCava.

12. 9th Annual La Jolla Concours d'Elegance - Action item

Friday April 6th to April 7th - Street Closures

T & T ACTION (JULY 2012): Approved, contingent on showing support of businesses on Wall and Prospect Streets, 5-0-2.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Dan Courtney

Applicant: Laurel McFarlane, Trip Bennett

Mike Dorvillier presented graphics of street activities. A handout was distributed showing sign-off by a long list of businesses in the area. This will be the 9th year of the event and the 5th in conjunction with the La Jolla Historical Society. **Trustees Lucas, Zimmerman, and LaCava. Gail Forbes** asked questions. The street closures will be the same as last year except that more of Girard Avenue will be utilized, but without traffic pattern changes from last year. Estimate is that beneficiaries La Jolla Historical Society and Monarch School get \$60 thousand out of \$200 thousand of admissions.

Approved Motion: To approve Street Closures for La Jolla Concours d'Elegance, April 6th to 7th, (Gabsch/Brady, 10-1-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.

Opposed: Zimmerman.

Abstain: LaCava.

13. Red Curb 7205 Olivetas - Action Item

7205 Olivetas – red curb opposite the driveway of 7205 Olivetas

T & T ACTION (JULY 2012): Not approved, 3-3.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Mathew Welsh, applicant

Applicant: Mathew Welsh

Ron McLeod, owner, explained that the curb opposite his driveway had been red for 20 years but the City would not repaint the curb after a recent repaving without LJCPA approval; he has written OK from 6 of 7 neighbors. **Mr. Welsh** provided a handout and showed a survey of red curbs in the neighborhood, and there are 10 similar situations where the curb across from a driveway is red apparently for the convenience of leaving the driveway. **Trustees Brady, Collins, Courtney, Costello, Fitzgerald, LaCava, Lucas, Thorsen and Zimmerman** commented. **Claude-Anthony Marengo** commented.

Approved Motion: Approve a red curb opposite the driveway of 7205 Olivetas, (Zimmerman/Thorsen, 9-3-1).

In favor: Allen, Bond, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Brady, Collins, Courtney.

Abstain: LaCava.

At this point (7:10PM) Vice President LaCava recused himself. Treasurer Gabsch assumed the chairmanship of the meeting.

14. Wu/Tsai Residence - Full Review by Trustees per request of Applicant - Action Item

9882 La Jolla Farms Road - Demo existing 10,383 sq ft house & build a new 9,708 sq ft home with attached 1051 sq ft 4 car garage, pool, and 951 sq ft companion unit/pool house

DPR ACTION (Aug. 2012): Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms. 6-0-1

Applicant: Matt Peterson

Trustee Lucas expressed concern that there was no notice posted on the property. **Mr. Peterson** responded that the posting of the notice at the time of the meeting was not required for the hearing to proceed. **Mr. Peterson** made a presentation with projected graphics and distributed hard copies. **Paul Metcalf** expressed concerns of client, Encore Trust, which had been e-mailed to the Trustees. Three neighbors spoke in favor of the project: **Irv Wheeler, Josh Bruser and Joseph Wong**. **Trustees Allen, Brady, Courtney, Costello, Fitzgerald, Lucas, Manno and Thorsen** had questions or participated in discussion.

Approved Motion: Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms, (Courtney/Collins, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Courtney, Fitzgerald, Lucas, Manno, Thorsen.

Abstain: Gabsch.

Recused - out of room: LaCava.

At this point (7:40PM) Vice President LaCava returned to chair the meeting.

15. Ad Hoc Committee on Operating Procedures – Action Item

Action: Consideration whether to recommend to the Membership at the next annual meeting that the Bylaws be amended pursuant to the Ad Hoc Committee's motions #1 & #2 from their August 2012 meeting, listed below:

1. That the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA (Crisafi/LaCava 3-2-1).
2. That the LJCPA Bylaws be amended to create the office of a Second Vice-President. (For the purpose of chairing a meeting or hearing when the President and Vice-President are unable to chair the meeting or hearing) (Whittemore/Costello 3-1-2).

Trustees Bond, Courtney, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Thorsen and Zimmerman commented. **Michael Morton, Bob Whitney, Gail Forbes and Helen Boyden** commented. The Trustees discussed both Ad Hoc Committee motions #1 & #2. General agreement favored #2. Wording of #2 was revised to use the same terms of reference as in the present Bylaws.

Concerning Ad Hoc Committee's Motion #1, arguments against it were a) that it would have a "chilling" effect on potential Trustee candidates by not allowing them to take clients, if elected, and b) that it would be unfair to members of the public in opposition to a project/discretionary permit who would not be able to engage all potential advocates. Arguments in favor were that the present arrangement gives the appearance of impropriety and reduces the standing of the Association in the general public eye because a) the implication that the Trustees would be swayed by one of them representing a person or group in opposition in a hearing, and b) the sense that in the process before and after a hearing there is an ability for an LJCPA officer to willfully or inadvertently obstruct a project/discretionary permit, more than there is an ability to advance a project. An alternative was discussed that would have LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained to represent individuals or groups of people who are in favor *or opposed* to a proposed project/discretionary permit.

Approved Motion: To recommend to the Membership at the next annual meeting (March 2013) that the LJCPA Bylaws be amended to create the office of Second Vice-President, and that in the absence of the Vice President, the Second Vice President shall perform all the duties and responsibilities of the Vice President, (Courtney/Gabsch, 10-0-1).

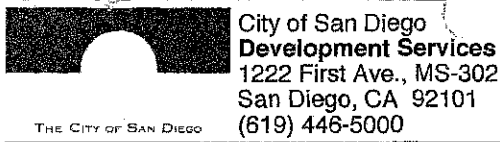
In favor: Allen, Bond, Collins, Costello, Courtney, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.
Abstain: LaCava.

Failed Motion: the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA, (Thorsen/Manno, 4-6-1).

In favor: Gabsch, Lucas, Manno, Thorsen.
Opposed: Allen, Bond, Collins, Courtney, Costello, Fitzgerald.
Abstain: LaCava.

16. Adjourn, at 8:45 PM.

Next Regular Monthly Meeting, 4 October, 6:00 pm.



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title Wu/Tsai Home **Project No. For City Use Only** 260171

Project Address:
9882 La Jolla Farms Rd.

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

~~Name of Individual (type or print):
JCT Lookout LLC (Clara Wu)
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
2326 Rye Adriane
City/State/Zip:
La Jolla CA 92037
Phone No:
558 551-8163
Signature:
[Signature] Date:
10/6/11~~

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature : Date:

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print):
JCT LOOKOUT LLC

Owner Tenant/Lessee

Street Address:
2326 RVE Adriane

City/State/Zip:
La Jolla, CA 92037

Phone No: 858 551 8163 Fax No:

Name of Corporate Officer/Partner (type or print):
Clara Wu

Title (type or print):
Managing Member

Signature: [Signature] Date: 10/6/11

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

DOC # 2010-0136866



MAR 19, 2010 8:00 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 11015.00
OC: OC

PAGES: 3



RECORDING REQUESTED BY:
California Title Company

5014

AND WHEN RECORDED MAIL TO:

Joseph Chung Tsai
7802 Prospect Place
La Jolla, CA 92037

FL
3D
TT

Title Order No.: 1141383-37
Escrow No.: 009-005933-SD

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX is \$11,000.00
 computed on full value of property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale.
 Unincorporated area City of San Diego

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Theodore J. Vittoria, Jr, Trustee of the Armando de Peralta Trust dated September 16, 1998

hereby GRANT(s) to:
JCT Lookout, a California Limited Liability Company

the real property in the City of San Diego, County of San Diego, State of California, described as:

and made a part hereof as Exhibit A...

Also Known as: 9882 La Jolla Farms Road, La Jolla, CA 92037
AP#: 342-031-05

DATED January 20, 2010
STATE OF New York
COUNTY OF New York
On January 21, 2010
Before me, James A. Purdy
a Notary Public in and for said State personally appeared
Theodore J. Vittoria Jr

The Armando de Peralta Trust dated September 16, 1998
BY:
Theodore J. Vittoria, Jr., Trustee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

JAMES A. PURDY
Notary Public, State of New York
No. 02PU5040346
Qualified in New York County
Certificate Filed in New York County
Commission Expires March 6, 2011

Signature 1/21/2010
(This area for official notarial seal)
MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:



CALIFORNIA
TITLE COMPANY

5015

9915 Mira Mesa Boulevard, Suite 110 | San Diego, CA 92131 | 858.437.0714

Government Code 27362.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of the Notary: James A. Purdy

Commission Number: 02PU504346 Date Commission Expires: 3/6/2011

County Where Bond Is Filed: Westchester, NY

Manufacturer/Vendor Number: NA

Place of Execution: California Title Company, San Diego, California

Signature:  Date: 2/4/10

Exhibit "A"

Order No. 400-1141383-37
5016

Lot 1 of La Jolla Farms, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 3487 filed in the office of the San Diego County Recorder on August 9, 1956.

DEVELOPMENT SERVICES
Project Chronology
Wu/Tsai Residence – Project No. 260171

Date	Action	Description	City Review Time	Applicant Response
11/16/11	First Submittal	Project Deemed Complete		
1/3/12	First Assessment Letter		48 days	
3/20/12	Second Submittal			77 days
4/19/12	Second Review Complete		30 days	
6/11/12	Third Submittal			53 days
7/17/12	Third Review Complete		36 days	
7/26/12	Fourth Submittal			9 days
10/17/12	Fourth Review Complete	Applicant resolve issues with geology and community group recommend.	23 days	60 days
12/7/12	Draft MND	Applicant/Staff prepare	21 days	30 days
2/4/13	Final MND		59 days	
3/20/13	HO Hearing		44 days	
TOTAL STAFF TIME			261 days	
TOTAL APPLICANT TIME				229 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing Officer	1 year 4 months 4 days	