



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: March 13, 2013

TO: Chris Larson, Hearing Officer

FROM: Paul Godwin, Development Project Manager

SUBJECT: Costebelle Residence, PTS No. 295796

This project was heard by the Hearing Officer on February 20, 2013, but was continued to a date certain of March 20, 2013, to allow the applicant time to receive a recommendation from the La Jolla Shores Advisory Board. The staff report incorrectly identified the La Jolla Shores Permit Review Committee vote as the La Jolla Shores Advisory Board (LJSAB) vote. This project is scheduled to be heard by the LJSAB on Tuesday, March 19th and the vote will be provided in a separate memo at the March 20th hearing.

With regard to the La Jolla Community Planning Association (LJCPA) recommendation, a copy of the motion was not included with the staff report because it was not available when the report was printed. Staff received the group's written recommendation on February 13, 2013, and it was provided to the Hearing Officer and reviewing staff the same day. The staff report lists the LJCPA's vote as 14-1 to recommend denial of the project. However, the correct vote is 13-1-1 to recommend denial, as listed on the attached LJCPA motion. Also attached are the applicant's and staff's responses to the motion.

The "Discussion" section on page two of the report incorrectly refers to the project's compliance with the Floor Area Ratio (FAR) requirements, which do not apply to this site. This and the items above will be stated for the record at the March 20, 2013, Hearing Officer hearing.

Thank you.

Paul Godwin
Development Project Manager
Development Services Department

Attachments:

1. LJCPA's February 7, 2013, motion for the Costebelle Residence
2. Applicant and staff's responses to motion



LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900
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Regular Meeting – 07 February 2013

Attention: Paul Godwin, PM
City of San Diego

DRAFT

Project: Costebelle Residence SDP Amendment
7940 Costebelle Way
PN: 295796

Motion: To deny the Amendment to the Site Development Permit because two of the required Findings for a Site Development Permit cannot be made: (1) The proposed development will not adversely affect the applicable Land Use Plan and (2) The proposed development will comply with the regulations of the Land Development Code. Specifically:

Vote: 13-1-1

(a) Contrary to the Visual Resources Plan Recommendations (pg. 56 -57) of the La Jolla Community Plan and Local Coastal Program Land Use Plan the proposed project lacks sufficient articulation of the building facades facing Pottery Canyon Park and open space in order to reduce the perceived bulk and scale of the proposed structures when viewed from the park and open space; and

(b) The proposed structure height of the proposed guest quarters located above the garage accessory building exceeds the maximum allowed structure height of 21 feet as limited by LDC Sec. 141.0306 (f); and

(c) The setback and relationship of the front wall of the proposed guest quarters to the front wall of the garage below presents an upper level front yard setback that is not in general conformity with other upper level setbacks in the vicinity as is required by LDC Sec. 1510.0304 (b); and

(d) The garage with the proposed quest quarters above is so different in form and relationship to the street from that of other structures in the area that the proposed guest quarters addition is not in accordance with the General Design Regulations of the La Jolla Shores PDO, LDC Sec. 1510.0301(b) and will disrupt the architectural unity of the area; and



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Motion cont.

(e) The length of the proposed driveway measured from the street curb to the face of the garage does not meet the minimum length required by LDC Sec 142.0520, Table 142-05B, Footnote 1, nor does the project provide two additional on-site parking space as required by Footnote 1, nor is there sufficient curb length on the street abutting the property to provide the two additional required parking spaces

07 Feb. 2013

**Submitted by: Tony Crisafi, President
La Jolla CPA**

Date

Approved Motion: Costebelle Residence, PTS No. 295796

To deny the Amendment to the Site Development Permit because two of the required Findings for a Site Development Permit cannot be made: (1) The proposed development will not adversely affect applicable Land Use Plan and (2) The proposed development will comply with the regulations of the Land Development Code. Specifically:

- A. **Contrary to the Visual Resources Plan Recommendations (pg. 56-57) of the La Jolla Community Plan and Local Coastal Program Land Use Plan the proposed project lacks sufficient articulation of the building facades facing Pottery Canyon Park and open space in order to reduce the perceived bulk and scale the proposed structures when viewed from the park and open space; and**

Response by Marenqo Morton Architects; Through our exhibits we feel that our two structures follow the code and its intent on how sloped development should take place. We have broken up the building by using decks and pop outs and radiused surfaces to allow for a softer massing on the slope as well as different extensions of the building to have a stepping back of the structure. The project meets the 30 ft height limit and the prop D height limit. It furthermore meets the building separation of 6ft for multiple structures on a slope and then continues to meet the height limit and prop d Height limit.

We have exhibits that show from the public space you cannot perceive very well the difference of the height of the previously approved project and the amendment. The reason for this is that there is nearly 100 ft of difference in height at a 45 degree angle and 7-8 ft height increase just doesn't make a large impact. Because the front structure hides most of the building of the back building based on the angle. (please see exhibits)

Staff Response: Staff concurs with the applicant's response. The under-construction single-family home structure, pool, decks and area of disturbance were previously approved and are not part of the scope of this project. Environmental staff has determined that the project is consistent with the previously certified Mitigated Negative Declaration. The requested guest quarters above the previously approved garage accessory structure would remain substantially screened from view by the under-construction single-family home structure as viewed from the adjacent open space.

- B. **The proposed structure height of the proposed guest located above the garage accessory building exceeds the maximum allowed structure height of 21 feet as limited by LDC Sec. 141.0306 (f); and**

Response by Marenqo Morton Architects; Per our previous Hearing we no longer are trying to prove whether our structure is required to meet a guest quarters height limit as this is a code section that limits structures when being reviewed for a guest quarters in a discretionary review process.

In the Shores the guest quarters and the Companion unit are permitted uses and therefore do not require to fulfill all the discretionary review requirements geared towards protecting areas not accustomed to having these types of impacts.

Staff Response: Staff concurs with the applicant's response. Because guest quarters are allowed by right in the La Jolla Shores PDO, the guest quarters Separately Regulated Use requirements do not apply to this project. The project as proposed complies with the applicable height limit requirements.

- C. The setback and relationship of the front wall of the proposed guest quarters to the front wall of the garage below presents an upper level front yard setback that is not in general conformity with upper level setbacks in the vicinity as is required by LDC Sec. 1510.0304 (b); and**

Response by Marengo Morton Architects: The code discusses stepping back at the second floors and articulating facades. Due to the fact that the site is very steep, we are close to the street within 5ft of the property line which is allowed by code. We are also controlled by the proposed height limit, and the 30ft height limit that restricts us into a buildable envelope of which we meet all of these criteria. Then our step back of the second floor, is a break of the plane and we achieve that.

Mr. Merten feels it isn't enough, but the floor does break the plane and achieves relief to the façade in the intent of the code. The code does not list a number because it is not intended to go a distance to achieve a break

Staff Response: Staff concurs with the applicant's response. There are a wide variety of home designs and configurations in the area and as proposed guest quarters setback generally conforms with other properties in the vicinity.

- D. The garage with the proposed guest quarters above is so different in form and relationship to the street from that of other structures in the area that the proposed guest quarters addition is not in accordance with the General Design Regulations of the LA Jolla Shores PDO, LDC Sec. 1510.0301 (b) and will disrupt the architectural unity of the area; and**

Response by Marengo Morton Architects: We do not agree with this statement. When you look at the neighborhood it is a mountain with houses all draped along the ridge of it and the houses cascading down the slope to the canyon side. The houses are just the opposite of what Mr. Merten is saying they are all so different that there is NO continuity and the size of our addition comes from us lowering the existing first floor and adding the second floor from the street side. The nearby houses are two stories and to the right or east of us there is an accessory structure towering over us due to the topography and it is a 12-14 ft structure on a 15-20 embankment directly adjacent to us. This coupled with other two stories on a street that only has 5 homes on it none the same. We also have stepped the house slightly back at the second level to give articulation and we are at a 5 ft set back due to the severity of the slope per the regulations.

Staff Response: Staff concurs with the applicant's response. There are a wide variety of home designs and configurations in the area and as proposed the guest quarters generally conforms with other properties in the vicinity and would not disrupt the architectural unity of the area.

- E. The length of the proposed driveway measured from the street curb top the face of the garage does not meet the minimum length required by LDC Sec 142.0520, Table 142-05B, Footnote 1, nor does the project provide two additional on-site parking space as required by Footnote 1, nor is there sufficient curb length on the street abutting the property to provide the two additional required parking spaces,**

Response by Marenqo Morton Architects; This project was previously reviewed for this item and approved the amendment did not affect the decision on this code issue. It is at the discretion of the traffic and engineering dept and it would appear based on the exhibit A's that it was previously approved. Further to that point, the street has houses on the west side and one house on the east side. The one house on the east side is elevated 15ft above street level approximately. That would mean that when looking at the street there is a surplus of guest parking for about 10 spaces conservatively and at full 8x 21 dimensioned spaces (we have an exhibit for this. Furthermore if the city cul de sac were to be complete and line up with our property line we would have the additional space abutting our property to the letter of the code (we have an exhibit showing this as well). But what should be important is that the project that was previously approved did not take issue with this and the amendment does not trigger any further parking requirements.

Staff Response: Staff concurs with the applicant's response. The three-car garage, driveway configuration and parking were approved by the previous discretionary action and are currently under construction with valid building permits.



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 20, 2013

REPORT NO. HO 13-017

ATTENTION: Hearing Officer

SUBJECT: COSTEBELLE RESIDENCE
PTS PROJECT NUMBER: 295796

LOCATION: 7940 Costebelle Way

APPLICANT/: Marengo Morton Architects
OWNER Costebelle REI, LLC (Attachment 11)

SUMMARY

Issue - Should the Hearing Officer approve a Site Development Permit to amend Site Development Permit No. 4522, to allow the addition of a third story guest quarters over an approved two-story garage structure within the La Jolla Community Plan area?

Staff Recommendation -

APPROVE Site Development Permit No. 1089009, amending Site Development Permit No. 4522.

Community Planning Group Recommendation - On December 19, 2012, the La Jolla Shores Advisory Board voted 3-1-3 to recommend approval of the project. On February 7, 2013, the La Jolla Community Planning Association voted 14-0-1 to recommend denial of the project. The meeting minutes were not available when this report was printed, however the agenda is attached (Attachment 10).

Environmental Review - Mitigated Negative Declaration (MND) No. 2701, certified on June 16, 2004, was previously prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) was prepared and will be implemented to reduce below a level of significance, any potential impacts to historical resources (archeology) and biological resources, as identified in the environmental review process. Environmental staff has determined that the project is consistent with the previously certified MND and the preparation of a new environmental document is not required. The circumstances that require the preparation of a new environmental document described in Section 15162 of the CEQA Guidelines to not apply to this project (Attachment 7).

These circumstances include substantial changes proposed to the project or circumstances under which the project was undertaken or the availability of new information. Environmental staff has determined that none of these circumstances apply to this project.

BACKGROUND

The 0.62-acre project site is located at 7940 Costebelle Way, at the terminus of the cul-de-sac and is a hillside lot which slopes down steeply from street level into the lower canyon area. The site is within the SF (Single Family) Zone of the La Jolla Shores Planned District and the La Jolla Community Plan area designates the site for Very Low Density single-family development. The site is also located in the Coastal Height Limit Overlay Zone but is outside of the Coastal Overlay Zone boundary. The site contains Environmentally Sensitive Lands (ESL) including steep hillsides, disturbed biological habitat and the presence of Historical (Archeological) Resources. The site is not within or adjacent to the City of San Diego Multiple Habitat Planning Area (MHPA).

On June 16, 2004, the Hearing Officer approved Site Development Permit (SDP) No. 4522, allowing the construction of a 4,811-square-foot, three-story, single-family residence with a detached garage accessory structure. The 1,266-square-foot, two-story, detached accessory garage structure located at the front of the site adjacent to Costebelle Way was approved with three garage parking spaces at street level and an artist's studio below. Building permits have been issued and the project is currently under construction. Minor construction changes approved during the building permit process have resulted in slight changes to the footprint and square footage of the project from the approved SDP.

DISCUSSION

The requested amendment would allow the addition of a third-story, 514-square-foot, guest quarters to the approved accessory garage structure. The La Jolla Shores Planned District Ordinance allows guest quarters in the SF Zone by right. Permit conditions have been included to regulate the limitations of use for the guest quarters.

The proposed project would be consistent with the bulk and scale of the surrounding community. Due to the sloping nature of the site, the accessory garage structure would appear as a two-story structure from Costebelle Way and the proposed design complies with the 30-foot coastal height limit. The project also complies with the FAR and lot coverage requirements of the zone.

The project is required to comply with all conditions contained in approved Site Development Permit No. 4522, including brush management, engineering, landscape, water and wastewater requirements. There would be no additional impacts to ESL beyond those already identified and mitigated by the certified MND and associated MMRP. No changes to the under-construction single-family structure, development footprint, area of disturbance or lot coverage are proposed with this amendment.

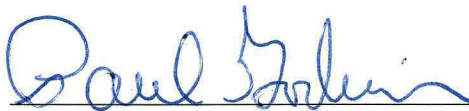
CONCLUSION

Staff has reviewed the application for a Site Development Permit to amend approved Site Development Permit No. 4522 and has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project as proposed. Therefore, staff recommends that the Hearing Officer approve Site Development Permit No. 1089009.

ALTERNATIVE

1. Approve Site Development Permit No. 1089009, with modifications.
2. Deny Site Development Permit No. 1089009, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

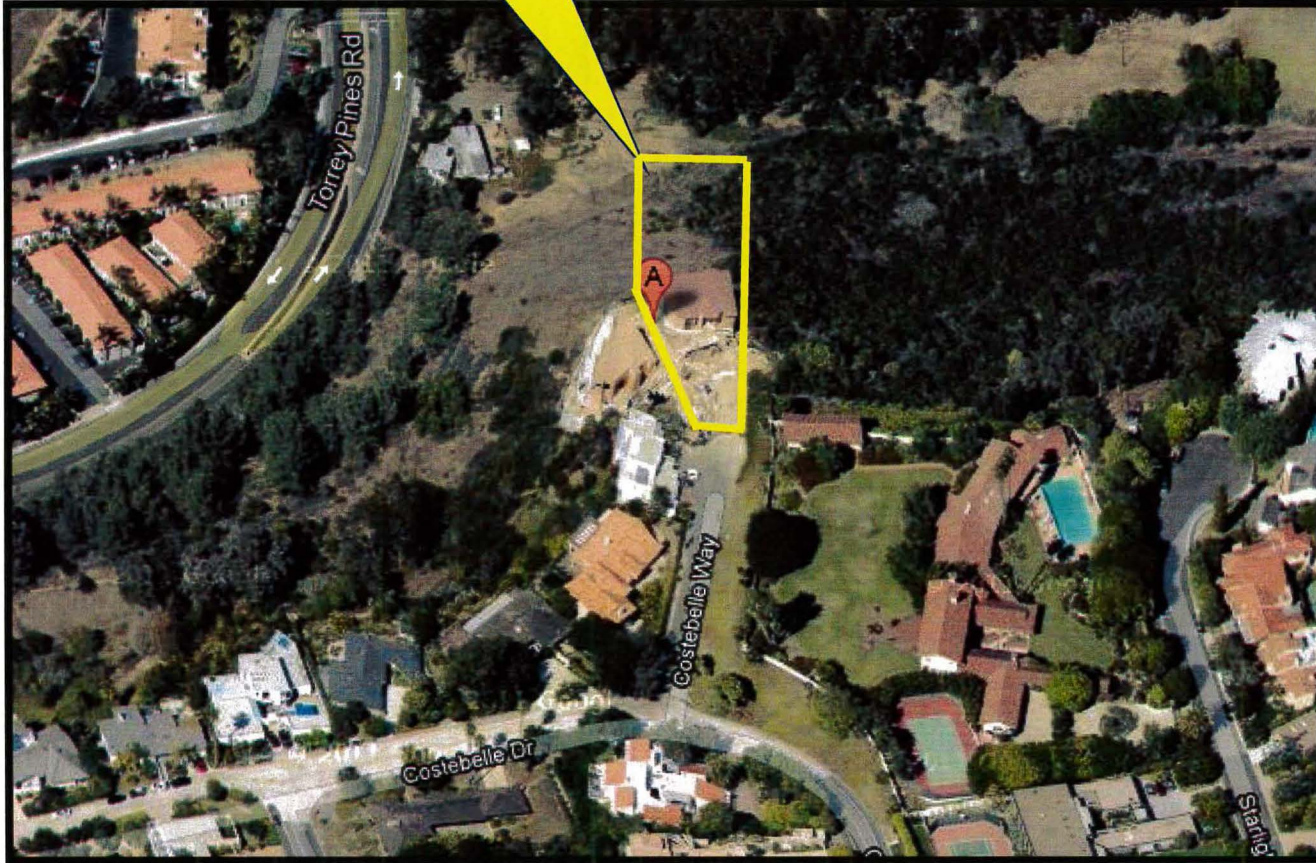


Paul Godwin, Development Project Manager

Attachments:

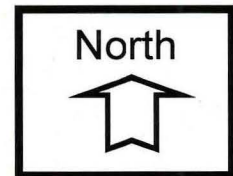
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. CEQA Memo dated January 10, 2013
8. Project Plans (Hearing Officer only)
9. Recorded Site Development Permit No. 4522
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Certified MND No. 2701 (Hearing Officer only)

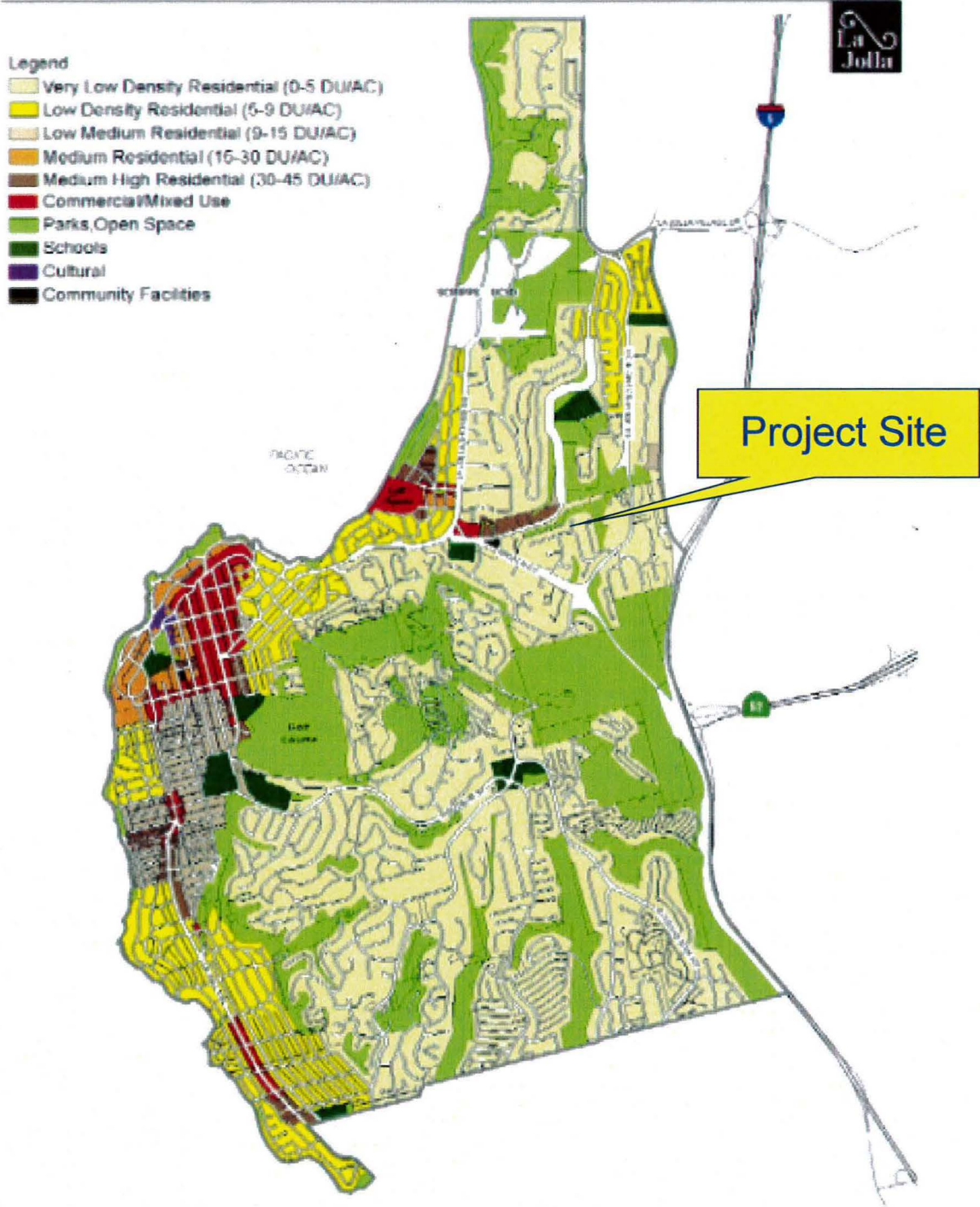
Project Site



Aerial Photo

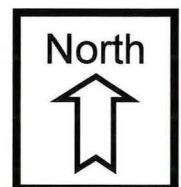
COSTEBELLE RESIDENCE – 7940 COSTEBELLE WAY
PROJECT NO. 295796





La Jolla CP Land Use Map

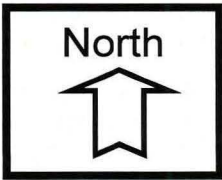
COSTEBELLE RESIDENCE – 7940 COSTEBELLE WAY
PROJECT NO. 295796





Project Location Map

COSTEBELLE RESIDENCE – 7940 COSTEBELLE WAY
PROJECT NO. 295796



PROJECT DATA SHEET

| | | |
|---|--|---|
| PROJECT NAME: | Costebelle Residence | |
| PROJECT DESCRIPTION: | Construction of a guest quarters above a previously approved two-story garage accessory structure for a single-family home that is currently under construction. | |
| COMMUNITY PLAN: | La Jolla | |
| DISCRETIONARY ACTIONS: | Site Development Permit to amend the previously approved Site Development Permit No. 4522. | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Very Low Density Single-Family | |
| <u>ZONING INFORMATION:</u> ZONE: SF: (Single-family zone of the La Shores Planned District) HEIGHT LIMIT: 30-Foot maximum height limit (Coastal Height Limit Overlay) LOT SIZE: Average in area FLOOR AREA RATIO: n/a, 60% maximum lot coverage FRONT SETBACK: 5 feet previously approved, no change SIDE SETBACK: 10 feet previously approved, no change STREETSIDE SETBACK: n/a REAR SETBACK: 164 feet previously approved, no change PARKING: 2 parking spaces required | | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | Single-Family Residential; SF | Undeveloped lot, Pottery Canyon Park beyond |
| SOUTH: | Single-Family Residential; SF | Single-Family development |
| EAST: | Single-Family Residential; SF | Single-Family development |
| WEST: | Single-Family Residential; SF | Single-Family development |
| DEVIATIONS OR VARIANCES REQUESTED: | None | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On February 7, 2013, the La Jolla Community Planning Association voted 14-0-1 to recommend denial of the project. | |

HEARING OFFICER RESOLUTION NO. ???
SITE DEVELOPMENT PERMIT NO. 1089009
AMENDING SITE DEVELOPMENT PERMIT NO. 4522
COSTEBELLE RESIDENCE - PROJECT NO. 295796 [MMRP]

WHEREAS, COSTEBELLE REI, LLC, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to amend Site Development Permit No. 4522 to allow a 514-square-foot, third-story guest quarters above a previously-approved, two-story, detached garage accessory structure for a single-family home that is currently under construction (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1089009), on portions of a 0.62-acre site;

WHEREAS, the project site is located at 7940 Costebelle Way, in the SF Zone of the La Jolla Shores Planned District, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 56 of Azure Coast Unit No. 2, Map No. 5676, filed January 12, 1966;

WHEREAS, Environmental Analysis staff has determined that the project is consistent with Mitigated Negative Declaration No. 2701, certified June 16, 2004;

WHEREAS, on February 20, 2013, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1089009, pursuant to the Land Development Code of the City of San Diego;

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 February 20, 2013.

Site Development Permit – Section 126.0504:

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

The proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved, two-story, detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment.

The project site is designated for Very Low Density Residential development by the La Jolla Community Plan and is located in a developed single-family neighborhood consistent with that designation. The site is located in the SF Zone of the La Jolla Shores Planned District which allows for single-family development. Guest quarters are allowed by right in the SF Zone and the inclusion of guest quarters does not alter the designation of the project as single-family development. Therefore, the addition of a guest quarters to this previously approved single-family project with garage accessory structure would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved, two-story, detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment.

The project is required to comply with all conditions contained in approved Site Development Permit No. 4522, including brush management, engineering, landscape, water and wastewater requirements. The project is also required to obtain all required construction permits to ensure compliance with all Fire, Health and Safety and Uniform Building Codes.

Mitigated Negative Declaration No. 2701 was prepared for the original project in accordance with State of California Environmental Quality Act (CEQA) Guidelines for the construction of the new single-family residence with accessory structure. This document was certified on June 16, 2004, when the original project was approved by the Hearing Officer. Environmental staff has determined that the project is consistent with the previously certified MND and the preparation of a new environmental document is not required. The circumstances that require the preparation of a new environmental document described in Section 15162 of the CEQA Guidelines do not apply to this project. These circumstances include substantial changes proposed to the project or circumstances under which the project was undertaken or the availability of new information. Conditions of approval have been incorporated to ensure that this project fully complies with the existing Mitigation, Monitoring and Reporting Program (MMRP) that was included in the MND.

Therefore, the addition of a guest quarters to a previously approved single-family project with garage accessory structure would 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, including any allowable deviations pursuant to the Land Development Code.

The proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment.

The proposed third-story addition would comply with the 30-foot Coastal Height Limit Overlay Zone and there would be no change to the approved setbacks or lot coverage. No deviations or variances are requested and there would be no additional impacts to environmentally sensitive lands. All permit conditions contained in the original Site Development Permit No. 4522 apply to this project, as do the MMRP requirements associated with certified MND No. 2701.

Therefore, the addition of a guest quarters to a previously approved single-family project with garage accessory structure would comply with the applicable regulations of the Land Development Code.

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 proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment. All permit conditions contained in the original Site Development Permit No. 4522 apply to this project, as do the MMRP requirements associated with certified MND No. 2701.

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 proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment.

The project is required to comply with all conditions contained in approved Site Development Permit No. 4522, including brush management, engineering, landscape, water and wastewater requirements. The project is also required to obtain all required construction permits to ensure compliance with all Fire, Health and Safety and Uniform Building Codes. The original project which is currently under construction has an approved grading permit, which includes clearance for geology and drainage standards. A geotechnical study was submitted during grading permit review to address potential issues, including faults. The approved grading permit incorporates proper engineering and construction practices to ensure there is no undue risk from geologic forces.

Therefore, 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.

- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;**

The proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522.

No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment and there would be no impact to environmentally sensitive lands beyond that which was identified in certified MND No. 2701 and the mitigation measures identified in the MMRP apply to this project.

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 not located in or adjacent to the City of San Diego Multiple Species Conservation Program's (MSCP) Multi-Habitat Planning Area (MHPA). Therefore, the project would not adversely affect the MHPA.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment. The site is located approximately one mile east of the Pacific Ocean. With implementation of water quality and drainage Best Management Practices as conditioned by the approved Site Development Permit No. 4522, the proposed development would not contribute to the erosion of public beaches or adversely impact local shoreline sand 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 proposed project would allow a 514-square-foot, third-story guest quarters above a previously-approved two-story detached garage accessory structure for a single-family home that is currently under construction on a 0.62-acre site at 7940 Costebelle Way. The single-family home and accessory structure were previously approved under Site Development Permit No. 4522. No changes to the building footprint, area of disturbance or the single-family structure are proposed with this amendment.

Mitigated Negative Declaration No. 2701 was prepared for the original project in accordance with State of California Environmental Quality Act (CEQA) Guidelines for the construction of the new single-family residence with accessory structure. This document was certified on June 16, 2004, when the original project was approved by the Hearing Officer. Conditions of approval have been incorporated to ensure that the project fully complies with the Mitigation, Monitoring and Reporting Program. These conditions and all other conditions, including those contained in approved Site Development Permit No. 4522 which also apply to this project, are reasonably related and calculated to alleviate negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings herein before adopted by the Hearing Officer, Site Development Permit No. 1089009 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 1089009, a copy of which is attached hereto and made a part hereof.

Paul Godwin
Development Project Manager
Development Services

Adopted on: February 20, 2013

Internal Order No. 24003249

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: 24003249

SITE DEVELOPMENT PERMIT NO. 1089009
AMENDING SITE DEVELOPMENT PERMIT NO. 4522
COSTEBELLE RESIDENCE - PROJECT NO. 295796 [MMRP]
HEARING OFFICER

This Site Development Permit No. 1089009, amending Site Development Permit No. 4522, is granted by the Hearing Officer of the City of San Diego to Costebelle REI, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504 (Site Development Permit). The 0.62-acre site is located at 7940 Costebelle Way, in the SF Zone of the La Jolla Shores Planned District, within the La Jolla Community Plan area. The project site is legally described as: Lot 56 of Azure Coast Unit No. 2, Map No. 5676, filed January 12, 1966.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 514-square-foot, third-story guest quarters above a previously-approved, two-story, detached garage accessory structure for a single-family home that is currently under construction, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of a 514-square-foot, third-story guest quarters above a previously-approved, two-story, detached garage accessory structure for a single-family home that is currently under construction;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. 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 March 6, 2016.
2. 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.
3. 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.
4. This Permit is an amendment to previously approved Site Development Permit No. 4522, Project No. 2701. All conditions contained in Permit No. 4522 apply to this project and are incorporated by reference, except where superseded by this permit.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. 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.).
7. 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.
8. 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.

9. 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.

10. 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:

11. The requirements of the Mitigation, Monitoring, and Reporting Program [MMRP] associated with certified Mitigated Negative Declaration No. 2701, Project No. 2701, as referenced in approved Site Development Permit No. 4522, apply to this project are hereby incorporated into this Permit by reference.

PLANNING/DESIGN REQUIREMENTS:

12. Owner/Permittee shall maintain a minimum of two (2) 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.

13. 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.

14. Owner/Permittee or Owner/Permittee's successor or assignee may not use as, or convert to, a companion unit or any other dwelling unit.

15. Neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be rented, sold or conveyed separately.

16. 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.

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 February 20, 2013, and [Approved Resolution Number].

Permit Type/PTS Approval No.: SDP No. 1089009
Date of Approval: February 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Paul Godwin
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.

Costebelle REI, LLC
Owner/Permittee

By _____
NAME
TITLE

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



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: January 10, 2013

TO: Paul Godwin, Development Project Manager, Advance Planning and Engineering Division, Development Services Department

FROM: Anna L. McPherson, Senior Planner, Advance Planning and Engineering Division, Development Services Department

SUBJECT: Costabelle Residence SDP, California Environmental Quality Act 15162 Evaluation

The Development Services Department has completed a California Environmental Quality Act 15162 evaluation for the Costabelle SDP project. The review was limited to consideration of California Environmental Quality Act issues associated with the redesign and addition of 773.8 square feet to the previously approved 4,851 square-foot single family residence and 1,266 square-foot detached garage with artist studio on a 0.62 acre hillside lot. The project is partially built in compliance with the previously approved Site Development Permit. It is the determination of the Development Services Department that this change is consistent with the previously adopted Mitigated Negative Declaration No. 2701 which was before the City of San Diego Hearing Officer and certified on June 16, 2004. A Mitigation Monitoring and Reporting Program was adopted for the project to reduce potentially significant impacts to historical resources (archaeology) and biological resources.

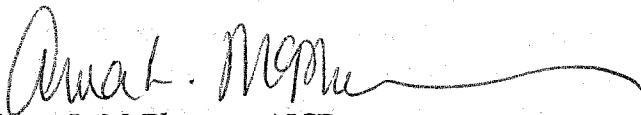
The redesign and increase of square footage was determined not to result in additional impacts than that had been identified in the previously certified Mitigated Negative Declaration and thus was not a significant or substantial change in the project. This determination was based on the analysis and conclusions of project review, including review for consistency with the La Jolla Community Plan and compliance with the applicable development regulations, including the Environmentally Sensitive Lands Ordinance, and compliance with the City's Storm Water Standards which includes the Hydromodification Management Plan. All of which determined that the changes to the project would not result in any additional impacts.

Section 15162 of the California Environmental Quality Act Guidelines states that when an Environmental Impact Report has been certified or a Negative Declaration adopted for a project, no subsequent or supplemental Environmental Impact Report or Negative Declaration shall be prepared for that project unless one or more of the following events occur:

1. Substantial changes are proposed to the project
2. Substantial changes occur with respect to circumstances under which the project is being undertaken
3. New information, which was not known or could not have been known at the time the Environmental Impact Report or Negative Declaration was certified as complete, becomes available.

Taking into consideration the additional analysis conducted by Development Services Department staff along with review of the previously certified environmental document, it was determined that the project would not result in a substantially changed project. The project would not result in new impacts or changed circumstances that would require a new environmental document.

Therefore, because none of the three above event have occurred, Development Services Department staff does not find the need to conduct additional environmental review of the Costabelle Residence SDP project. All environmental issues and mitigation for significant impacts have been adequately addressed pursuant to the California Environmental Quality Act for the proposed project.



Anna L. McPherson, AICP
Senior Planner

DOC # 2006-0046066



JAN 20, 2006 2:46 PM

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH, COUNTY RECORDER
 FEES 33.00
 PAGES 9



2006-0046066

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

11490

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-0033

SITE DEVELOPMENT PERMIT NO. 4522
ROSS RESIDENCE - PROJECT NO. 2701 (MMRP)
 HEARING OFFICER

This Site Development Permit No. 4522 is granted by the Hearing Officer of the City of San Diego to BRIAN ROSS, an Individual, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0501. The 26,944 square-foot site is located at 7940 Costebelle Way in the SF (single-family) zone of the La Jolla Shores Planned District within the La Jolla Community Plan area. The project site is legally described as Lot 56, Azure Coast Unit No. 2, Map No. 5676.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new 6,177 square-foot single-family residence on a vacant lot to include a 4,851 square-foot main house with a 1,266 square-foot detached garage and artists studio, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 16, 2004, on file in the Development Services Department. The Exhibits are:

- T-1: Title Page
- D-1: Drainage and Grading
- D-2: Drainage and Grading
- A-1: Site plan
- A-2: Building A Plans
- A-3: Building B Plans
- A-4: Building B Plans
- A-5: Building B Plans
- A-6: Building B Roof Plans
- A-7: Building A Elevations
- A-8: Building B Elevations
- A-9: Exterior Elevations
- A-10: Exterior Elevations

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- A-11: Building Sections
- L-1: Landscape
- L-2: Landscape
- A-1a: Site Plan

The project or facility shall include:

- a. A 4,851 square-foot, 3-story residence and a 1,266 square-foot, 2-story detached 3-car garage with artist's studio; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Three off-street parking spaces within a garage (minimum two required); and
- d. A lap pool, trellis's, decking and walls and fencing; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee 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
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

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4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

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11. As conditions of Site Development Permit No. 4522, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, LDR NO. 2701 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology)

Biology

12. The Mitigation, Monitoring and Reporting Program (MMRP) shall require a deposit of \$1,100.00 to be collected prior to the issuance of the Site Development Permit No. 4522 to cover the City's costs associated with implementation of the MMRP.

13. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

14. Prior to issuance of any engineering permits for grading, complete Brush Management, planting and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval. All plans shall indicate the brush management zones depths by dimension.

15. The Brush Management Program shall consist of two zones as follows:

Lot 56 Zone One = 30' Zone Two = 20'

16. The building construction documents shall conform to the Architectural features as described in Section 142.0412(d). In the event that Architectural Features are not added, an additional 10' shall be added to Zone one.

17. Within a standard Zone One, a minimum fire rating of ONE HOUR for additions or accessory structures (including, but not limited to decks, trellises, gazebos, etc) are permitted with the approval of the Fire Marshall and the City Manager.

18. Prior to any construction or grading, it shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Mitigation, Monitoring & Conservation section of Development Services Department to discuss and outline the implementation of the Brush Management Program.

19. Prior to final inspection and occupancy for any building, the approved Brush Management Program shall be implemented.

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20. In all brush management zones the plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as determined by the Landscape Section of Development Services Department.

21. The Brush Management Maintenance Program as noted on exhibit "A" shall be performed annually by the Permittee or subsequent Owner or until such time that another approved entity such as a home owners association or a Landscape Maintenance District assumes annual responsibility.

ENGINEERING REQUIREMENTS:

22. Prior to building occupancy, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

23. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.

24. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering 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.

25. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping in Costebelle Way.

26. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of a 16-foot driveway on Costebelle Way, satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

27. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

29. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

30. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2,

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Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

LANDSCAPE REQUIREMENTS:

31. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the La Jolla Shores Planned District Ordinance, Land Development Code 142.0401 and Landscape Standards, Exhibit 'A' Landscape Development Plan, Brush Management Plan, Details and Notes on file in the Office of the Development Services.

32. All required landscape plant material shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to it's mature height and spread.

33. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards.

34. If any required landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage and prior to occupancy.

35. Prior to issuance of a grading or building permit, the permittee shall submit a site/plot plan consistent with the plans submitted for a building permit showing the required 30% landscaped area in a crosshatch pattern and labeled 'Landscape Area Diagram'.

36. The geotechnical consultant recommends that landscape irrigation be minimized as a precautionary measure to mitigate potential slope instability. Therefore, as condition of approval, a qualified landscape architect shall design the landscape plan to minimize the amount of irrigation necessary to support drought tolerant (xerophytic) landscaping. Irrigation should consist of drip irrigation and/or microspray irrigation.

PLANNING/DESIGN REQUIREMENTS:

37. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

38. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a

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deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

39. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

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 Permittee.

41. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

42. No building additions shall be permitted unless approved by the City Manager.

43. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a lighting plan showing the location and type of each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

44. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

45. No merchandise, material, or equipment shall be stored on the roof of any building.

WASTEWATER REQUIREMENTS:

46. If the existing sewer lateral is located in the new driveway, it shall be relocated per City Standards or it shall be private and constructed per City Standard Drawing SDS-102. Private sewer laterals require an Encroachment Maintenance and Removal Agreement (EMRA).

WATER REQUIREMENTS:

47. The Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer.

48. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water

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Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities as shown on approved Exhibit 'A' shall be modified at final engineering to comply with standards.

49. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational, including fire hydrants, in a manner satisfactory to the Water Department Director and the City Engineer.

INFORMATION ONLY:

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 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.

APPROVED by the Hearing Officer of the City of San Diego on June 16, 2004, Resolution No. HQ-4712.

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42-0033/2701

ALL-PURPOSE CERTIFICATE

Site Development Permit No. 4522
Date of Approval: June 16, 2004

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Robert Korch
Robert Korch, Development Project Manager
City of San Diego

On January 17, 2006, before me, Stacie L. Maxwell, (Notary Public), personally appeared Robert Korch, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me 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~~ 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.

WITNESS my hand and official seal
Signature Stacie L. Maxwell
Stacie L. Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Brian Ross Signed _____
Typed Name **Brian Ross** Typed Name _____

STATE OF California
COUNTY OF San Diego

On January 19, 2006 before me, Stacie L. Maxwell (Name of Notary Public) personally appeared Brian Ross, personally known to me (or 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.

WITNESS my hand and official seal.
Signature Stacie L. Maxwell



ORIGINAL



PO Box 889, La Jolla, CA 92038

<http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

info@LaJollaCPA.org

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

La Jolla Community Planning Association

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

Thursday, 7 February 2013

D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 3 January 2013**
4. **Elected Officials Report** – Information Only
 - A. Council District 1 – Councilmember Sherri Lightner
 Rep: **Erin Demorest**, 619.236.7762, edemorest@sandiego.gov
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://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**
 Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
 - A. **Secretary**
 - B. **Treasurer**
8. **Candidate Statements**
 Candidates present their qualifications and reasons for running (2 minutes each).
Last opportunity to announce your candidacy.
9. **President's Report**
 - A. Trustee Elections - Thursday, March 7, 2012, 3:00 pm - 7:00 pm
 - B. **Annual Member Meeting – Thursday, March 7, 6:00 pm**
 - C. Sierra Mar Residence – postponed by applicant to March 2013, working w/neighbors
 - D. Gaxiola Residence postponed until March 7th
 - E. Committee Appointment for Coastal Rail Trail Project Working Group -- for ratification by Trustees - Action item

10. 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.***

A. Ramirez Residence

DPR Action: Findings can be made for a Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing residence and construct a single family residence at 1011 La Jolla Rancho Road. 5-1-2

1011 La Jolla Rancho Road – CDP and SDP for Environmentally Sensitive Lands (ESL) to demolish existing residence and construct a 7,733 SF single family residence on a 0.59 acre site

B. Pham Residence

DPR Action: Findings can be made for a Variance to reduce the required street sideyard setback from 10ft to 4 ft for a 855 sq ft addition to an existing single family residence at 7411 Olivetas St. 4-2-1

7411 Olivetas Street- Variance to reduce the required street sideyard setback for a 855 sq ft addition to an existing single family residence on a 0.05 acre site at 7411 Olivetas Street

C. Gillispie Playfield

DPR Action: Findings can be made for a CDP, Conditional Use Permit and Demolition Permit to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with landscaping, fences, walls, and signage adjacent to the Gillispie School. 7-0-1

7411 Fay Avenue - CDP and CUP to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with associated landscaping, fences, walls, and signage adjacent to the Gillispie School

D. Install 2 hour parking signs on Glenwick Place and Glenwick Lane

T & T Action: Motion to approve 6-0-0

E. Move two 15 minutes zones from Herschel to Prospect Street

T & T Action: Motion to approve the move. If possible, convert existing spaces on Herschel to diagonal parking. Two closest spaces to Prospect stay 15 minute green zone. 6-0-0

F. Junior League of San Diego Food & Wine Festival at the Cove

T & T Action: Motion to approve. 6-0-0

Street closures- May 3rd -4th

G. Green Zone at 7841 Fay Ave

T & T Action: Motion to deny 6-0-0

H. 40 ft. Yellow zone request on Pearl Street (@ Maserati)

T & T Action: Motion to deny. 6-0-0

Street closures- May 3rd -4th

11. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

B. COMMUNITY PLANNERS COMMITTEE – Meets 4th Tues, 7p, 9192 Topaz Way

12. Bernate Ticino Residence— pulled by Trustee LaCava – Action Item

1328 Virginia Way - Sustainable Expedite Program (Process 2) CDP to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot. Appeal of CEQA Exemption – Feb. 4th deadline

DPR Action #A (Jan. 2013): To require the Applicant to apply for a Coastal Development Permit to demolish the previous structure at 1328 Virginia Way, and to return to La Jolla Development Permit Review as part of the review process and present CEQA and other environmental documentation. 8-0-1

DPR Action #B (Jan. 2013): Findings can not be made for a Coastal Development Permit for construction at 1328 Virginia Way. Specifically, the proposed project is not in conformity with the specified implementation program (ie the Municipal Code requirement for a Coastal Development Permit for the demolition of the previous building). 8-0-1

Applicant: Sarah Horton

13. Costebelle Residence SDP Amendment— pulled by Trustee Manno – Action Item

7940 Costebelle Way - Amend the previously approved SDP #4522, two-building SFR on a 26,994 sf lot, partially built, abandoned & repermited with modifications (10-2225), currently under construction. Modifications include adding a third floor consisting of an art studio/bedroom/living room/kitchen complex and modifications to the lowest floor and mezzanine, with a net enlargement of GFA from 1,266 sf to 2,040 sf with no changes to any previously permitted 5,118 sf lower main building. Additions to deck and patio area, increased SF from 1126 sf by 1,622 sf of new disturbance to 2,748 sf.

PRC Action (Jan. 2013): In recognition of the difficult nature of this site, we find that this project complies with the spirit and intent of the underlying regulations. We recommend approval of the project, based on plans dated 11/29/2012. 3-1-3


Applicant: Claude Anthony Marengo

14. UCSD Hillel Center For Jewish Life - Draft EIR – Action Item

Whether to submit comments on the Draft EIR by March 11th submittal deadline
SDP AND Public ROW VACATION to allow the applicant to develop the Hillel Center for Jewish Life (HCJL) on a vacant site at the southwest corner of the intersection of La Jolla Village Drive and La Jolla Scenic Way, which is just south of the UCSD. Hillel currently uses a residential structure located at 8976 Cliffridge Avenue (Cliffridge property) for administrative offices, one-on-one counseling, and meetings with students. Hillel proposes to develop the HCJL in two phases to provide additional space for religious programs in three buildings around a central courtyard, referred to as the Phase 1/Phase 2 project throughout the Environmental Impact Report (EIR). Should the Phase 1/Phase 2 project not be approved by decision makers, an alternative to the project was also analyzed at full detail throughout the EIR. This alternative is referred to as the Existing with Improvements option. Under this alternative, the Cliffridge property that is currently being used by Hillel would be converted to permanent use. Both project proposals are described in the link below.

http://google.sannet.gov/search?partialfields=&sort=date%3AD%3A%3Ad1&proxyreload=1&num=100&requiredfields=STARTED:TRUE.ENDED:FALSE.PATH:CEQA&layout_type=datetitlelink&getfields=DOCUMENT_URL.TITLE.DOC_DATE&output=xml_no_dtd&ie=UTF-8&client=scs_ocd&filter=0&site=documents&config=ceqa.js&proxystylesheet=scs_ocd&q

15. Adjourn to next Regular Monthly Meeting, March 7, 2013, 6:00 pm

 City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

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: COSTEBELLE RESIDENCE **Project No. For City Use Only**

Project Address:
 7940 COSTEBELLE WAY, LA JOLLA, CA 92037

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): _____

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:** _____

Name of individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ **Fax No:** _____

Signature: _____ **Date:** _____

| | |
|--|---------------------------------|
| Project Title: <u>COSTEBELLE RESIDENCE</u> | Project No. (For City Use Only) |
|--|---------------------------------|

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):
Costebelle REI LLC

Owner Tenant/Lessee

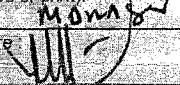
Street Address:
2720 VILLAS WAY

City/State/Zip:
SAN DIEGO, CA 92108

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
MARCO S. MORENO

Title (type or print):
MORANO

Signature:  Date: 8/21/12

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: _____