

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:	February 13, 2013	REPORT NO. HO 13-010
ATTENTION:	Hearing Officer	
SUBJECT:	RAHIMIFAR EOT PTS PROJECT NUMBER - 299700	
LOCATION:	7430 Hillside Drive	
APPLICANT:	Mr. Majid Rahimifar, Owner (ATTA Architect / Consultant	ACHMENT 10) / Mr. James Schropp,

SUMMARY

<u>Issue:</u> Should the Hearing Officer approve an Extension of Time to previously approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886 to construct a, three-story, single family residence within the La Jolla Community Plan area?

Staff Recommendation - APPROVE Extension of Time Permit No. 1049771.

<u>Community Planning Group Recommendation</u> – The applicant chose not to go back with the Extension of Time to the La Jolla Community Planning Association. On the original project, Hillside La Jolla, Project No. 130699, the La Jolla Community Planning Association voted 12-0-1 to recommend denial of the project on November 5, 2007. The group stated that the required permit findings could not be made in the affirmative.

<u>Environmental Review</u>: The Extension of Time would allow the permittee an additional three years in which to act upon the previously approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886. Pursuant to CEQA Section 15378(c) the term project refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The project does not mean each separate governmental approval, therefore, this action would not constitute a separate project under CEQA. The previous action was the approval of a new 3-story, single residential dwelling unit which included the certification of Mitigated Negative Declaration No. 130699, by the Hearing Officer on October 28, 2009.

BACKGROUND

On October 28, 2009, the Hearing Officer approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886, Project No. 130699, known as the "Hillside La Jolla" at that time. Those permits were set to expire November 12, 2012. On October 17, 2012, the applicant applied for an Extension of Time. The project site is located 7430 Hillside Drive, in the RS-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Plan area.

DISCUSSION

The present application is requesting an Extension of Time to the previously approved Hillside La Jolla project. The time allowed in the original development permit to construct the Hillside La Jolla project has expired. No changes to the originally approved project are proposed.

The project proposes to construct a, three-story, single dwelling unit with an embedded detached three car garage and guest quarters, which totals 3,758 square-feet, on a 18,143 square-foot property. The project site has an existing steep uphill embankment, approximately 30 to 40 feet high, toward the front of the property near Hillside Drive. Due to the steep topography of the site directly adjacent to Hillside Drive, the project's design includes a request for a variance for the height of retaining walls within the front yard setback area. The proposed walls are eight feet high within an area where the maximum wall height is three feet. These retaining walls drop down in height to three feet and extend into the public right-of-way of Hillside Drive. This extreme topographic condition is the basis for both the requested Variance and Neighborhood Development Permit.

During the project's review, City Staff determined that the property contained Environmentally Sensitive Lands, including steep slopes and sensitive vegetation. At the request of City Staff, a biology report was submitted, titled "Biological Assessment Report; 7430 Hillside Drive", prepared by Brian F. Smith and Associates, dated September 13, 2007. The report concluded that the project will result in a permanent impact of .08 acres of Coastal Bluff Scrub, which is considered a Tier 1 habitat type (rare uplands). Total impacts to Tier 1 habitats of less than .10 acres are not considered significant and do not require mitigation. City Staff also determined that the proposed project did not exceed the encroachment allowance as outlined in the Environmentally Sensitive Lands Regulations. A 25% encroachment allowance would be the maximum allowed encroachment for this property. City Staff calculated this project to have an encroachment of 25%. As a condition of the permit, the recording of a Covenant of Easement is required to preserve the proposed undeveloped portions of the project site. During the project's review with City staff, the applicant has modified the project to conform to all of the development regulations of the RS-1-1 Zone, the Environmentally Sensitive Lands regulations and recommendations from the La Jolla Community Plan, along with the applicable regulations of the Coastal Overlay Zone.

The proposed building elevations indicate the use of stucco and block for the exterior walls, wood windows, balconies with railings and flat roof elements. The proposed grading would consist of approximately 950 cubic yards of cut material for a depth of approximately 25 feet and 950 cubic yards of export. The project is designed to comply with the 30 foot height limit with the height of the new structure being at 30 feet high.

The project site is not located adjacent to an identified visual access corridor, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The proposed structure, meets the development setbacks and height limit required by the underlying zone and the proposed structure would not block or negatively impact any identified public view. Vehicular access to the property will be provided from Hillside Drive at the front of the property. The existing character and pedestrian design of the streetscape adjacent to the project will remain residential.

CONCLUSION

Staff has reviewed the proposed Extension of time and determined the project would not place adjacent residents of the proposed development, or immediate community, in a condition dangerous to their health or safety. In addition, the project would comply with all state and federal laws without any new conditions being added to the approval. Staff has provided draft findings supporting EOT approval (Attachment 6). Staff recommends the Hearing Officer approve the proposed Extension of Time permit as proposed (Attachment 7).

ALTERNATIVE

- 1. Approve Extension of Time No. 1049771, with modifications.
- 2. Deny Extension of Time No. 1049771, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Glenn R. Gargas, Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Project Site Plan (Full set of plans to the Hearing Officer)
- 6. Draft EOT Resolution with Findings
- 7. Draft EOT Permit with Conditions

- 8.
- Copy of Recorded (existing) Permit Community Planning Group's previous Recommendation Ownership Disclosure Statement Copy of Public Notice 9.
- 10.
- 11.





Aerial Photo <u>RAHIMIFAR EOT – 7430 HILLSIDE DRIVE</u> PROJECT NO. 299700







PROJ	ECT DATA SH	IEET
PROJECT NAME:	Rahimifar EOT – Project No. 299700	
PROJECT DESCRIPTION:	EOT to CDP/SDP/NDP&VAR to construct an approximately 3,758 square foot single-family resid with a detached garage on an 18,143 square foot pro-	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Extension Of Time to previously approved Coastal Development Permit, Site Development Permit, Neighborhood Development Permit & Variance.	
COMMUNITY PLAN LAND USE DESIGNATION:	Parks & Open Space	
ZONE: RS- HEIGHT LIMIT: 30- LOT SIZE: 40, 18, FLOOR AREA RATIO: 0.5 FRONT SETBACK: 64 SIDE SETBACK: 10 STREETSIDE SETBACK: NA REAR SETBACK: 27	Foot maximum height limi 000 square-foot minimum 143 sq. ft. 50 max. allowed – 0.207 pr feet required – 6 feet propo) feet required – 14 feet pro	t. lot size – existing lot oposed sed posed
NORTH:	Parks and Open Space; LJSPD-SF Zone	Single Family Residence
SOUTH:	Parks and Open Space;; RS-1-1 Zone	Single Family Residence
EAST:	Parks and Open Space;; RS-1-1 Zone	Single Family Residence
WEST:	Parks and Open Space; RS-1-1 Zone	Single Family Residence
DEVIATIONS OR	None.	

VARIANCES REQUESTED:	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted 12-0-1 to recommend denial of the proposed project at their meeting on November 5, 2007.





HEARING OFFICER RESOLUTION NO. _____ EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 450952, SITE DEVELOPMENT PERMIT NO. 452308, NEIGHBORHOOD DEVELOPMENT PERMIT NO. 552885 AND VARIANCE NO. 552886 RAHIMIFAR EOT - PROJECT NO. 299700

WHEREAS, Dr. Majid Rahimifar, Trustee of the Rahimifar Survivor's Trust dated April 12, 2004,, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886, for the construct a new single family residence with a guest quarters and detached two-car garage. The project site is located at 7430 Hillside Drive, in the RS-1-1 Zone, Coastal Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning area. The property is legally described as Parcel 2, Parcel Map No. 18849 and a portion of Parcel 1, Parcel Map No. 8565; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886, Project No. 130699, with the exception of the expiration date; and

BE IT FURTHER RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Extension of Time No. 1049771, for Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety.

The project proposes no changes to the approved Coastal Development Permit, Site Development Permit, Neighborhood Development Permit and Variance for development of this site for a new single family residence. The proposed new residence is to be located within the disturbed portion of the site, primarily where the property was previously disturbed with a staircase and an existing cut slope. The Environmental Analysis Section of the City of San Diego, as lead agency, prepared a Mitigated Negative Declaration No. 130699 for the project in accordance with Section 15164 of the State of California Environmental Quality Act (CEQA) Guidelines. Mitigation, Monitoring and Reporting Program was prepared and will be implemented which will reduce the potential impacts to Paleontological Resources to a level below significance. This environmental analysis did consider potential negative impacts to public health, safety and welfare with no negative impacts found or identified. The construction of a new single family residence with a detached garage would therefore not be detrimental to the public health, safety and welfare of the occupants or the immediate community.

2. There are no changed circumstances which would affect the project's consistency with the Local Coastal Program.

The proposed development to construction of a new single family residence is located on a site which has a Parks and Open Space land use designation, which allows for residential development. The Environmental Analysis Section of the City of San Diego, as lead agency,

prepared a Mitigated Negative Declaration No. 130699 for the project in accordance with Section 15164 of the State of California Environmental Quality Act (CEQA) Guidelines. Mitigation, Monitoring and Reporting Program was prepared and will be implemented which will reduce the potential impacts to Paleontological Resources to a level below significance. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the RS-1-1 Zone, except for the proposed Variance to wall height, Environmentally Sensitive Lands Regulations and Coastal Overlay Zone. The project site is not located on or adjacent to any public views as identified within the La Jolla Community Plan and Local Coastal Program land Use Plan. Due to these factors the proposed single family residence was found to be consistent and in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan.

3. No new condition is required to comply with state or federal law.

The project proposes no changes to the approved Coastal Development Permit, Site Development Permit, Neighborhood Development Permit or Variance for development of this site for a new single family residence. The project proposes to construction of an approximate 3,758 square foot single family residence with a detached two car garage and quest quarters on an 18,143 square foot property. No new conditions were required to comply with state or federal law.

The above findings are supported by the minutes and exhibits, all of which are herein incorporated by reference; and

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Extension of Time No. 1049771 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time No. 1049771, a copy of which is attached hereto and made a part hereof. PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO, CALIFORNIA, ON FEBRUARY 13, 2013.

By

Glenn R. Gargas Development Project Manager Development Services Department

24003327

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

JOB ORDER NUMBER: 24003327

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 1049771 EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 450952, SITE DEVELOPMENT PERMIT NO. 452308, NEIGHBORHOOD DEVELOPMENT PERMIT NO. 552885 AND VARIANCE NO. 552886 RAHIMIFAR EOT – PROJECT NO. 299700 HEARING OFFICER

This Extension of Time No. 1049771 is a three-year Extension of Time to previously approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886 is hereby granted by the Hearing Officer of the City of San Diego to Dr. Majid Rahimifar, Trustee of the Rahimifar Survivor's Trust dated April 12, 2004, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.416-acre site is located at 7430 Hillside Drive, in the RS-1-1 Zone, Coastal Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning area. The property is legally described as Parcel 2, Parcel Map No. 18849 and a portion of Parcel 1, Parcel Map No. 8565;

Subject to the terms and conditions set forth in this Permit, and previously approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886, permission is granted to Mr. Majid Rahimifar, Owners/Permittees to construct a new single family residence with guest quarters and detached two-car garage, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552886 approved by the Hearing Officer on October 28, 2009, is hereby extended as indicated within this permit until October 28, 2015.

The project shall include:

 A three year extension of time for the previously approved Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886, Project No. 130699.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to October 28, 2015, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.

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 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.

3. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).

4. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885, and Variance No. 552886, Project No. 130699, Recorded with the County of San Diego Recorder on February 3, 2012, Document No. 2012.0064678, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, 5. 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].

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 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 §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 13, 2013, by Resolution No. _____.

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

THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON FEB 03, 2012 DOCUMENT NUMBER 2012-0064678 Emest J. Dronenburg, Jr., COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 9:37 AM

ORIGINAL

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7869

COASTAL DEVELOPMENT PERMIT NO. 450952, SITE DEVELOPMENT PERMIT NO. 452308, NEIGHBORHOOD DEVELOPMENT PERMIT NO. 552885; VARIANCE NO. 552886 HILLSIDE LA JOLLA - PROJECT NO. 130699 (MMRP) HEARING OFFICER

This Coastal Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit No. 552885 and Variance No. 552886 are granted by the Hearing Officer of the City of San Diego to Hillside La Jolla LP, a California Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504, 126.0404 and 126.0805. The 0.416-acre site is located at 7430 Hillside Drive, in the RS-1-1 Zone, Coastal Development Overlay Zone (Non-Appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as Parcel 2, Parcel Map No. 18849 and a portion of Parcel 1, Parcel Map No. 8565.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a three-story, single family residence with a guest quarters and detached three car garage on a vacant property, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 28, 2009, on file in the Development Services Department.

The project shall include:

- a. Construction of a, three-story, single family residence with an embedded detached three-car garage and guest quarters to total approximate 3,758 gross square foot of floor area on a vacant 18,143 square-foot property;
- b. Retaining walls over 3 feet high within the public Right-of-Way;
- c. Eight foot high retaining walls where a maximum three foot high wall is allowed;

- b. Landscaping (landscape related improvements);
- c. Off-street parking (detached three car garage);
- d. Accessory improvements determined by the Development Services Department 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. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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 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.

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 Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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 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.).

Page 2 of 21

ORIGINAL

In accordance with authorization granted to the City of San Diego from the United States 7. Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to 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, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee 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.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. 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" conditions(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.

11.—The Owner/Permitee shall-defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or

ORIGINAL

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/Permitee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permitee 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/Permitee 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/Permitee 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/Permitee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permitee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration, Project No.-130699, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, Project No. 130699, satisfactory to the Development Services Department and the City Engineer. <u>Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer</u>. All mitigation measures as specifically outlined in the MMRP shall be implemented for Paleontology.

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

16. The drainage system proposed for this development is private and subject to approval by the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

18. 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, in accordance with the approved Water Quality Technical Report.

19. Prior to the issuance of any building permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

20. Prior to the issuance of any construction permits, the Owner/Permittee 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, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of curb with City standard curb and gutter, adjacent to the site on Hillside Drive, all satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for a non-standard slope, landscaping, retaining wall, non-standard driveway, and a private storm drain connection to the City drain pipe, satisfactory to the City Engineer.

23. This project proposes to export 950 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

24. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services 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.

26. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner 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-sq-ft area around each tree which is unencumbered by utilities.



Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

27. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

28. Prior to Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

29. The Permittee or Subsequent Owner shall maintain all landscape 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 its mature height and spread.

30. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual; Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

31. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

32. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall ensure that all existing and proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include 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. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall remove all invasive plant species observed on-site that have been noted in "Table 1" of the Biological Assessment Report (Dated September 13, 2007) as "Exotic species not native to California."

BRUSH MANAGEMENT REQUIREMENTS:

34. The Permittee or Subsequent Owner shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit 'A', Brush Management Plan, on file in the Office of the Development Services Department.

35. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit 'A.'

36. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 55.0101; the Land Development Manual, Landscape Standards; and Section 132.0407 of the Coastal Overlay Zone, Brush Management Regulations.

37. The Modified Brush Management Program shall implement a Zone Two consistent with the Brush Management Regulations of the Coastal Overlay Zone Section 132.0407(i) as follows: Parcel 2 of Parcel Map #18849 shall have no Zone One due to existing sensitive vegetation throughout the subject property; a Modified Zone Two from the structure to the property line; and 2-Hour Fire-Rated walls around the proposed residence and guest quarters as approved by the Fire Chief.

36. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on-site with the contractor and the Development Services Department to discuss and outline the implementation of the Modified Brush Management Program."

37. All new Zone Two planting shall be temporarily irrigated with an above-ground irrigation system until established. Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing weeds, and maintaining the temporary irrigation system. Only native vegetation shall be planted or hydro seeded. If Zone Two is being re-vegetated, 50% of the planting area shall be seeded with material that does not grow taller than 24 inches.

38. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented. The Modified Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

39. No fewer than three (3) off-street parking spaces shall be maintained 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 Development Services Department.

Page 7 of 21

ORIGINAL

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

42. 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.

43. 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.

44. 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.

45. The Guest Quarters shall not contain a kitchen or facilities for the storage and preparation of food and shall not be rented, leased, or sold as a separate dwelling unit.

46. Prior to the issuance of Building Permits, the property owner shall submit a signed agreement with the City that specifies that the Guest Quarters shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the Guest Quarters shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

47. The guest quarters shall be used solely by the occupants of the primary dwelling unit, their guests, or their employees.

48. Prior to the issuance of any Building or Grading Permits, the owner/permittee shall record a Covenant of Easement for the Protection of Environmentally Sensitive Lands, as shown on Sheet "C5" of the approved Exhibit "A" drawings dated October 28, 2009, on file in the office of the Development Services Department. The easement shall be drafted in accordance with SDMC Secs. 143.0140(a) and 143.0152.

49. All fences and retaining walls shall comply with the San Diego Municipal Code Section 142.0301 with the exception of the Variance request for the retaining walls located within the Front yard setback.



GEOLOGY REQUIREMENTS:

50. 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 Development Services prior to the issuance of any construction permit.

51. 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 Development Services prior to exoneration of the bond and grading permit close-out.

WASEWATER REQUIREMENTS:

52. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private sewer facilities located in or over the public right of way.

53. No permanent structures, substructures, trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

54. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

55. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

56. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of a new domestic water service in Hillside Drive, outside of any driveway or drive aisle, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

57. Prior to the issuance of any building permits, special approval from Water Operations is required to install the water meter within the driveway.

58. Due to the constraints of the slopes fronting the project site and with special permission from the Water Department's Operations Division, the water meter may possibly be installed as far as possible to the right side of the driveway and within the public right-of-way. If Water Operations permits the meter installation within the driveway, the meter box must be composed of polymer concrete with a two-piece cast iron cover (see Figure 3-2 in the Water Facility Design Guidelines).



59. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services and meters, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. All on-site water facilities, including domestic, fire and irrigation systems, shall be private.

61. 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 Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

62. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Director of Public Utilities 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 §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 October 28, 2009, by Resolution No. HO-6253-2.

	Attention: Editl	h Gutierrez, Project Ma	nager			
: .						
	Project Name: HILI 7430 Hillside Drive		Permits: CDP / S	IDP / NUP		
		42-7869/ PTS 130699	DPM: Farah Ma FMahzari@sandi	hzari 619-446-5360 jego.gov		
	Zone: RS-1-7	Appl	icant: James Schropp	619-316-8965		· · · ·
			BYLDIN@aol.co			
· .				el Montogomery 760	-504-7306	
•						
	Scope of Work:	CDP / SDP / NUP (Pro				7,990 sq.
		ft. single family resider	ice with guest quarter	s on a vacant 0.416 a	acre site.	
÷. ·	Subcommittee					
	Motion:	Findings <u>CANNOT</u> be n	iade. (Hayes/Little 6-1	-0)		
	CPA vote:	Motion to deny Hayes	Achler 17 0 1			
	CIATOR.	Anonon to delly mayes	Asmey 12-0-1			
1. S. S.		111111	1			
	Signature (INMAGAIL		Date	Mater	tract
		vipe or				eeq-
	CI	aude Anthony Marengo				
		CDP Committee Chair				
		e der bei den schlere der er der so Statistische der der schlere der er er				9. g. 11
			Brahad By at this are considered as	e stalt statue		
	물건물을 눈을 듣는					
. 1 1 . 1 .	and the second state of th	a dendra a construction de la base de	in the second	durth in the other to	and the first of the second	

.

	proval Type: Ch		·	nership Disclosur Statemer
	Neighborhood D Variance TTer	eck appropriate box for type of approval (s) r evelopment Permit Site Development F tative Map Vesting Tentative Map M		mit Conditional Use Permit ment • XOther <u>Fxfeus(in</u> Fi
Pro	oject Title	Zahimifar Resi	dence	Project No. For City Use Only
Pro	oject Address:	130 Hillside	Dr. La Jolla	(A92037
			ng the second	
		pleted when property is held by Indiv hip Disclosure Statement, the owner(s) ackr		
below who I indivi from Deve Mana the P	v the owner(s) ar have an interest i iduals who own ti the Assistant Exe lopment Agreem ager of any chang Project Manager a	th the City of San Diego on the subject pro- ind tenant(s) (if applicable) of the above refer in the property, recorded or otherwise, and s he property). A signature is required of at le ecutive Director of the San Diego Redevelop ent (DDA) has been approved / executed b res in ownership during the time the applica- at least thirty days prior to any public hear it in a delay in the hearing process.	erenced property. The list must include tate the type of property interest (e.g., <u>east one of the property owners</u> . Atta oment Agency shall be required for all by the City Council. Note: The applic tion is being processed or considered	the names and addresses of all person tenants who will benefit from the permit, a ch additional pages if needed. A signature project parcels for which a Disposition and ant is responsible for notifying the Project Changes in ownership are to be given to
Addi	itional pages a	ttached Yes No		
	ne of Individual	a Rahimiture	Name of Individual (type	e or print):
		nant/Lessee	Owner Tenant/	
Stre	et Address: j D	221 Keswick AV.	Street Address:	
City/	/State/Zip; Bak	ensfield, CA 93311	City/State/Zip:	
Pho	ne No: /oIG -	ensfield, CA 93311 316-8965 Fax No: Data:	Phone No:	Fax No:
Sign	nature:	Date: Date: 10/16/17	Signature :	Date:
Nar	ne of Individual	(type or print):	Name of Individual (type	or print):
	Owner Ter	nant/Lessee Redevelopment Agency	Owner Tenant/L	essee 🔲 Redevelopment Agency
Stree	et Address:	· · · · · · · · · · · · · · · · · · ·	Street Address:	· · · · · · · · · · · · · · · · · · ·
	/State/Zip:	an a	City/State/Zip:	
City			· · · · · · · · · · · · · · · · · · ·	Fax No:
	ne No:	Fax No:	Phone No:	

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)



THE CITY OF SAN DIEGO

DATE OF NOTICE: Jan. 30, 2013

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	February 13, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building,
	202 C Street, San Diego, California 92101
PROJECT TYPE:	EXTENSION OF TIME / PREVIOUSLY CERTIFIED
	MITIGATED NEGATIVE DECLARATION / PROCESS
	THREE
PROJECT NO:	299700
PROJECT NAME:	RAHIMIFAR EOT
APPLICANT:	James Schropp
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District One
CITY PROJECT MANAGER:	Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5142 / ggargas@sandiego.gov
•	

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for an Extension of Time for Coast Development Permit No. 450952, Site Development Permit No. 452308, Neighborhood Development Permit (NDP) No. 552885 and Variance No. 552886 for over-height retaining walls on the property and a NDP for walls over 3' high within the public right-of-way, to construct a 3,758 square foot single family residence with guest quarters and detached garage on a vacant 0.416 acre property. The project site is located at 7430 Hillside Drive, within the La Jolla Community Planning area, RS-1-1 Zone, FAA Part 77, Coastal Height Limit, Coastal (non-appealable) Overlay Zones.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made-within 10 working days of the Hearing Officer's decision. Please <u>do not</u> e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at <u>www.sandiego.gov/development-services</u> or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

A Mitigated Negative Declaration (MND) No. 130699 was prepared and certified for the original project on Oct. 28, 2009. This extension of time (EOT) was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous MND; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous MND; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous MND was certified. Therefore, no subsequent environmental document is needed for this EOT, as all of the impacts were adequately addressed and disclosed in MND No. 130699.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call <u>Support Services at</u>

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request. Internal Order Number: 24003327.

Revised 04/08/10 HRD