WHEREAS, Stephen Phillip Rutherford and Maxine Lynn Rutherford, Trustees of the Stephen Phillip and Maxine Lynn Rutherford, Trust as amended and restated December 3rd, 2012, Owner/Permittee, filed an application with the City of San Diego for a Lot Line Adjustment (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1241972), on portions of a 0.24-acre site;

WHEREAS, the project site is located at 7080 Neptune Place in the RS-1-7 zone, the Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable), First Public Roadway, Parking Impact Overlay Zone, Transit Area Overlay Zone, and Residential Tandem Parking Overlay Zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 17680, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of San Diego County, April 12, 1996;

WHEREAS, on June 11, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1241972, 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 June 11, 2014.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed coastal development project is for a lot line adjustment between two adjoining properties located at 7080 Neptune Place and 7106 Vista Del Mar of 222 square feet. The project site, 7080 Neptune Place, is located east of the Pacific Ocean and is located between the sea and the first public roadway paralleling the sea. The site is a 0.24-acre lot developed with a 3,607 square foot, two-story residence. The site has a 40 foot public right-of-way access road easement (Fern Glen) which was dedicated to the City of San Diego in 1953 (Resolution No. 113329). The access road easement is necessary to reach Sewer Pump Station No. 21.
The proposed Lot Line adjustment is within 40 foot access easement and a View Corridor as identified in the LJCP. A View Corridor is defined as an unobstructed framed view down a public right-of-way. The LJCP states that public views shall be retained and enhanced for public use. There are no proposed encroachments within the required access path to Sewer Pump Station No. 21 and public views to the Pacific Ocean will not be obstructed, additionally, a deed restriction has been included as a condition of approval for 7106 Vista Del Mar. The project therefore, meets the development regulations of the underline zone and would not encroach upon any physical accessway and will protect public views to the Pacific Ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The proposed coastal development project is for a lot line adjustment between two adjoining properties located at 7080 Neptune Place and 7106 Vista Del Mar of 222 square feet. The project site is located east of the Pacific Ocean and is located between the sea and the first public roadway paralleling the sea. The subject property is an interior lot located adjacent to the Pacific Ocean and only a minor lot line adjustment is proposed. There are no deviations or variances from the applicable regulations and development standards for this site. It has been determined that the development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The proposed coastal development project is for a lot line adjustment between two adjoining properties located at 7080 Neptune Place and 7106 Vista Del Mar of 222 square feet. The project site is set up for low-density residential development at 5-9 dwelling units per acre in the La Jolla Community Plan and Local Coastal Program land use plan. The proposed development to adjust the lot line between two existing lots conforms to the density and identified land use in the Plan and Local Coastal Program. Future development will be required to conform to the Coastal Program regulations. Therefore, the project as proposed conforms to the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed coastal development project is for a lot line adjustment between two adjoining properties located at 7080 Neptune and 7106 Vista Del Mar of 222 square feet. The project site is located between the nearest public road and the sea within the Coastal Overlay Zone. There is no identified public access and public recreation area on the site; however, there is a pedestrian accessway through the access easement on the property, and a public accessway about 150 feet to the south on Neptune Place. The project is designed to take access from an existing public street, Neptune Place and will have no effect upon the access or recreational policies of the Coastal Act. Future development will be required to conform with the Coastal Program regulations. Therefore, the proposed project is in conformance with the policies of the California Coastal Act.
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1241927 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1241927, a copy of which is attached hereto and made a part hereof.

____________________________________
Jeannette Temple
Development Project Manager
Development Services

Adopted on: June 11, 2014

Job Order No. 24003693
RESOLUTION NUMBER HO-________
ADOPTED ON JUNE 11, 2014

WHEREAS, on April 24, 2013, Kemp Biddulph, submitted an application to Development Services Department for a Coastal Development Permit for the Biddulph Residence (Project); and

WHEREAS, the matter was set for a public hearing in front of the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on June 11, 2014; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 319815 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.
BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

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

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

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

By: 

Jeannette Temple

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

MITIGATION MONITORING AND REPORTING PROGRAM
COASTAL DEVELOPMENT PERMITS NO. 1230967 & 1241972

BIDDULPH RESIDENCE PROJECT NO. 319815 (MMRP)

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 319815 shall be made conditions of Coastal Development Permits No. 1230967 & 1241972, as may be further described below.

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

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director’s Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, “ENVIRONMENTAL/MITIGATION REQUIREMENTS.”

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The TITLE INDEX SHEET must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.

5. SURETY AND COST RECOVERY – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit
Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

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

   Qualified Paleontologist

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

   CONTACT INFORMATION:

   a) The PRIMARY POINT OF CONTACT is the RE at the Field Engineering Division – 858-627-3200
   b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) 282667, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

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

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall
include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

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

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

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

Document Submittal/Inspection Checklist

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

<table>
<thead>
<tr>
<th>Issue Area</th>
<th>Document submittal</th>
<th>Assoc Inspection/Approvals/ Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Consultant Qualification Letters</td>
<td>Prior to Pre-construction Meeting</td>
</tr>
<tr>
<td>General</td>
<td>Consultant Const. Monitoring Exhibits</td>
<td>Prior to or at the Pre-Construction meeting</td>
</tr>
<tr>
<td>Paleontology</td>
<td>Paleontology Reports</td>
<td>Paleontology Site Observation</td>
</tr>
<tr>
<td>Bond Release</td>
<td>Request for Bond Release letter</td>
<td>Final MMRP Inspections prior to Bond Release Letter</td>
</tr>
</tbody>
</table>

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance
   A. Entitlements Plan Check
      1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting,
whichever is applicable, the Assistant Deputy Director (ADD) Environmental
designee shall verify that the requirements for Paleontological Monitoring have
been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD
   1. The applicant shall submit a letter of verification to Mitigation Monitoring
      Coordination (MMC) identifying the Principal Investigator (PI) for the project
      and the names of all persons involved in the paleontological monitoring program,
as defined in the City of San Diego Paleontology Guidelines.
   2. MMC will provide a letter to the applicant confirming the qualifications of the PI
      and all persons involved in the paleontological monitoring of the project.
   3. Prior to the start of work, the applicant shall obtain approval from MMC for any
      personnel changes associated with the monitoring program.

II. Prior to Start of Construction
A. Verification of Records Search
   1. The PI shall provide verification to MMC that a site specific records search has
      been completed. Verification includes, but is not limited to a copy of a
      confirmation letter from San Diego Natural History Museum, other institution or,
      if the search was in-house, a letter of verification from the PI stating that the
      search was completed.
   2. The letter shall introduce any pertinent information concerning expectations and
      probabilities of discovery during trenching and/or grading activities.

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

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unalusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR’s shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.

   a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

   b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

   c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The
Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
   1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
   2. The following procedures shall be followed.
      a. No Discoveries
         In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
      b. Discoveries
         All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
      c. Potentially Significant Discoveries
         If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
      d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

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

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

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report
   1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
      a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
      b. Recording Sites with the San Diego Natural History Museum
         The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City’s Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.
NOTE:

1. INTO THE CONSTRUCTION PLAN OR SPECIFICATIONS

2. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER MUST SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP) TO THE CITY OF NEW SARDIS. THE WPCP MUST COMPLY WITH THE CITY'S STORM WATER STANDARDS (CITY STANDARDS TITLE BLOCK).

3. THE WPCP MUST BE PREPARED IN ACCORDANCE WITH APPENDIX E OF THE CITY'S STORM WATER STANDARDS (CITY STANDARDS TITLE BLOCK).

4. FENCING AND LANDSCAPING MAY BE PERMITTED ADJACENT TO THE FERN GLEN & NEPTUNE PL.

5. MAINTENANCE ROAD VIEW CORRIDORS, PROVIDED SUCH LANDSCAPING AND IMPROVEMENTS DO NOT OBSTRUCT PUBLIC VIEW TO THE OCEAN. LANDSCAPING ADJACENT TO THIS VIEW CORRIDOR SHALL BE PLANTED AND MAINTAINED IN ORDER TO PRESERVE PUBLIC PEDESTRIAN VIEW TO THE OCEAN.
No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.

No trees or shrubs shall be more than three feet (3') above existing grade.

No trees or shrubs exceeding three feet (3') in height at maturity shall be installed within five feet (5') of any public sewer facilities.
Attention: Paul Godwin, PM
City of San Diego

Project: Biddulph Residence
7106 Vista Del Mar
PN: 319815

Motion: To reconsider previous motion to deny this project as substantial changes have been made

To recommend approval of the revised project dated October 30, 2013 and submitted to the City

Vote: 12-1-1

Vote: 11-0-3

12 November 2013

Submitted by: Tony Crisafi, President
La Jolla CPA

Date
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: Biddulph Residence

Project Address:
7106 Vista del Mar Avenue, 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 [x] No

Name of Individual (type or print):
Kemp Biddulph, Trustee of the Kemp Biddulph Revocable Trust

Owner [x] Tenant/Lessee [ ] Redevelopment Agency

Street Address:
2432 West Peoria Avenue, bldg 14, suite 1246
City/State/Zip: Phoenix, AZ 85029
Phone No: (602) 679-9722 Fax No: Signature: Kemp Biddulph Date: 4/8/13

Name of Individual (type or print):

[ ] Owner [ ] Tenant/Lessee [x] Redevelopment Agency

Street Address: City/State/Zip:
Phone No: Fax No: Signature: Date:

Name of Individual (type or print):

[ ] Owner [x] 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:

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

DS-318 (5-05)
### 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:**
Biddulph Residence

**Project Address:**
7106 Vista del Mar Avenue, La Jolla, CA 92037, 7080 Neptune Place, 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):**

<table>
<thead>
<tr>
<th>Name of Individual (type or print):</th>
<th>Name of Individual (type or print):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kemp Biddulph, Trustee of the Kemp Biddulph Revocable Trust</td>
<td>Kemp Biddulph, Trustee of the Kemp Biddulph Revocable Trust</td>
</tr>
<tr>
<td>Dated May 6, 1983</td>
<td>Dated May 6, 1983</td>
</tr>
<tr>
<td>Street Address: 2432 West Peoria Ave, Ste 1246 Bldg 14</td>
<td>Street Address: 2432 West Peoria Ave, Ste 1246 Bldg 14</td>
</tr>
<tr>
<td>City/State/Zip: Phoenix, AZ 85029</td>
<td>City/State/Zip: Phoenix, AZ 85029</td>
</tr>
<tr>
<td>Phone No: (602) 677-9722</td>
<td>Phone No: (602) 677-9722</td>
</tr>
<tr>
<td>Fax No: (602) 955-2803</td>
<td>Fax No: (602) 955-2803</td>
</tr>
<tr>
<td>Signature:</td>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

---

**Name of Individual (type or print):**

<table>
<thead>
<tr>
<th>Name of Individual (type or print):</th>
<th>Name of Individual (type or print):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maxine Lynne Rutherford Trust, as amended and restated December 3, 2012</td>
<td>Maxine Lynne Rutherford Trust, as amended and restated December 3, 2012</td>
</tr>
<tr>
<td>Street Address: P.O. Box 6, 113 South Plaza</td>
<td>Street Address: P.O. Box 6, 113 South Plaza</td>
</tr>
<tr>
<td>City/State/Zip: Brawley, CA 92227</td>
<td>City/State/Zip: Brawley, CA 92227</td>
</tr>
<tr>
<td>Phone No: (760) 228-4785</td>
<td>Phone No: (760) 228-4785</td>
</tr>
<tr>
<td>Fax No: 12/13/13</td>
<td>Fax No: 12/13/13</td>
</tr>
<tr>
<td>Signature:</td>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

---

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services)

Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)
REESOLUTI~ N~

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

That the deed of Robert J. Stirmkorb and Elizabeth M. Stirmkorb, William J. Doyle and Anita F. Boyle, executed in favor of The City of San Diego, bearing date May 21, 1953, conveying to said City an easement and right of way for access road purposes through, along and across a portion of the unnumbered tracts of land in First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 891 filed in the office of the Recorder of San Diego County, be, and the same is hereby accepted on the conditions therein expressed;

And the City Clerk of said City is hereby authorized and directed to file the said deed for record in the office of the Recorder of San Diego County, together with a certified copy of this resolution.

Approved as
as to form by J. F. DuPaul, City Attorney.

By

Deputy City Attorney.

Passed and adopted by the Council of the City of San Diego, California, this day of July, 1953, by the following vote, to wit:

YEAS - Councilmen: 

Mayor Butler

NAYS - Councilmen

ABSENT - Councilmen

JOHN D. BUTLER

MAYOR OF THE CITY OF SAN DIEGO, CALIFORNIA

FRED W. RICK

CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA

LA VERNE E. MILLER

I HEREBY CERTIFY that the above and foregoing resolution was passed by the Council of the said City of San Diego, at the time and by the vote, above stated.

FRED W. RICK

CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA

LA VERNE E. MILLER

DEPUTY

[Stamp: Approved as to form by J. F. DuPaul, City Attorney]

[Stamp:Passed and adopted by the Council of the City of San Diego, California, this day of July, 1953, by the following vote, to wit:]

[Stamp: I HEREBY CERTIFY that the above and foregoing resolution was passed by the Council of the said City of San Diego, at the time and by the vote, above stated.]

[Stamp: Approved as to form by J. F. DuPaul, City Attorney]
For and in consideration of the benefits to accrue to the grantees herein by acceptance and dedication of the easement hereinafter described,

Do Hereby Grant to The City of San Diego, a Municipal Corporation, in the County of San Diego, State of California, an easement for the purpose of a right of way for an access road and appurtenances thereto, through, over, under, along and across,

All that Real Property situate in the City of San Diego, County of San Diego, State of California, bounded and described as follows:

That portion of the unnumbered tracts of land in First Addition to South La Jolla, according to Map No. 891 filed in the office of the County Recorder of said San Diego County, described as follows:

Beginning at the intersection of Vista Del Mar, closed, and the northerly line of Fern Glenn, formerly Burton Place, said intersection being also the southeasterly corner of an unnumbered tract as shown on said Map No. 891; thence S17°19'10"E along said northerly line a distance of 115.00 feet to the True Point of Beginning, said point being the beginning of a tangent curve, concave northeasterly, the radius of which is 66.0 feet; thence westerly and northeasterly along the arc of said curve through a central angle of 76° a distance of 56.06 feet to the beginning of a reverse curve, concave southwesterly, the radius of which is 125.0 feet; thence northwesterly along the arc of said curve through a central angle of 28° 20' a distance of 76.65 feet; thence N50° 31'20"W a distance of 25.0 feet to the beginning of a tangent curve, concave northeasterly, the radius of which is 65.73 feet; thence westerly and northeasterly along the arc of said curve, through a central angle of 11° 11' 30" a distance of 26.12 feet to a point on a line which bears N76° 18'41"E from the southeasterly corner of the unnumbered tract lying north of Burton Place, west of Vista Del Mar Avenue and south of Fern Glenn, as shown on said Map No. 891; thence N76° 18'41"E along said line a distance of 15.92 feet to a point on the arc of a curve, concave northeasterly the radius of which is 95.73 feet; the center of said curve bearing W69° 21' 23"E from said point; thence southeasterly along the arc of said curve through a central angle of 35°01'23" a distance of 53.66 feet; thence continuing southeasterly along the arc of said curve the radius of which is 85.73 feet, through a central angle of 13° 35'1 a distance of 26.13 feet; thence W65° 31'20"E a distance of 25.0 feet to the beginning of a tangent curve, concave southeasterly the radius of which is 115.0 feet; thence southeasterly along the arc of said curve, through a central angle of 27° 20' a distance of 56.07 feet to the beginning of a compound curve, concave westerly, the radius of which is 38.27 feet; thence southeasterly, southerly and southeasterly along the arc of said curve through a central angle of 77° 06' a distance of 38.06 feet to a point on the arc of said curve concave southeasterly, the radius of which is 120.0 feet; the center of said curve bearing S85° 05'E from said point; thence northeasterly along the arc of said curve, being also along the northeasterly line of Neptune Place and Fern Glenn, through a central angle of 29° 54' a distance of 52.19 feet; thence S78° 59'45"E along the northerly line of Fern Glenn a distance of 13.40 feet to the True Point of Beginning.

Witness: hand and seal this 24th day of May, 1953.
STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO,

On this 3rd day of May, 1953, and before me W.
M. Loetz, a Notary Public in and for said County, residing therein, duly commissioned and sworn,
personally appeared ROBERT S. STICKNOE, ELIZABETH M. STICKNOE,
WILLIAM H. DOYLE, and ANITA F. DOYLE.

known to me to be the person(s) described in and whose names are subscribed to the
within instrument and acknowledged to me that they executed the same.

Witness My Hand and Official Seal the day and year in this certificate first above written.

My Commission Expires March 2, 1956

My Commission Expires

102819

RECORDED REQUEST OF

Document No. 473688

ROBERT S. STICKNOE

SAN DIEGO COUNTY, CALIF.

RECORDS

RECORDS

OFFICE OF THE CITY CLERK

SAN DIEGO, CALIFORNIA

Seed of lott

Streit of us

et al to the City