REPORT TO THE HEARING OFFICER

HEARING DATE: July 16, 2014

ATTENTION: Hearing Officer

SUBJECT: CALLE DE LA GARZA REMODEL
PTS PROJECT NUMBER: 341630

LOCATION: 2350 Calle de Garza

APPLICANT/OWNER: Michael Rohmiller; Kimberly Draud (Attachment 10)

SUMMARY

Issue(s): Should the Hearing Officer approve a Site Development Permit to renovate and expand an existing single family residence located at 2350 Calle de Garza in the La Jolla Community Plan area?

Staff Recommendations -

1. CERTIFY Mitigated Negative Declaration (MND) No. 341630 and ADOPT Mitigation, Monitoring Reporting Program (MMRP); and

2. APPROVE Site Development Permit No. 1198970.

Community Planning Group Recommendation – On February 6, 2014, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the project with no conditions (Attachment 9).

On January 21, 2014, the La Jolla Shores Advisory Board voted 4-0 to recommend approval of the project with no conditions.

Environmental Review: Mitigated Negative Declaration No. 341630 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared for the project and will be implemented which will reduce any potential impacts identified in the environmental review process, to a level below significance.
BACKGROUND
The 0.56-acre project site is located at 2350 Calle de Garza, within the Single Family (SF) Zone of the La Jolla Shores Planned District (LJSPD), Coastal Overlay Zone (Non-Appealable 2 Area), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, within the La Jolla Community Plan and Local Coastal Program (LCP) area. The La Jolla Community Plan/LCP designates the project site for very low density residential land use at a rate of 0-5 dwelling units per acre. The project site is legally described as Lot 11 of Cerca De La Playa, according to Map No. 7957. Currently developed with a 3,643 square foot single family residence (built in 1975) and tennis court, the property lies within a developed neighborhood of custom designed single-family homes (Attachments 1-3).

Although the site lies within the Coastal Overlay Zone, the project is exempt from the requirement to obtain a Coastal Development Permit (CDP) as the project does not include the demolition or removal of 50 percent or more of the exterior walls of the existing structure, pursuant to San Diego Municipal Code (SDMC) Section 126.0704. A Site Development Permit (SDP) is required for new construction within the La Jolla Shores Planned District (SDMC Section 126.0504) in accordance with Process Three (Hearing Officer as decision maker). The decision of the Hearing Officer is appealable to the Planning Commission.

DISCUSSION
A Site Development Permit (SDP) is required for the proposed renovation of the existing 3,643 square foot home, which includes demolition of 631-square-feet of the existing structure and construction of a 4,520 square foot addition, resulting in a 7,532 square foot, two-story, single-family residence. The scope of work also includes demolition of an existing tennis court and construction of a new sports court, swimming pool, outdoor terraces, site walls, fences and other miscellaneous site improvements.

Project Description:
The proposed four-bedroom, single-family residence would consist of two levels totaling 7,532-square-feet. The lower level would be approximately 1,037 square-feet, and the upper level would be approximately 6,495 square-feet in size, including two (2) enclosed garages with two (2) vehicle parking spaces in each. Vehicular access to the site would be provided via two (2) new driveways fronting Calle de la Garza, each driveway leading to an enclosed garage. An existing driveway will be removed and replaced with curb, gutter and sidewalk to meet current City engineering standards. Associated improvements would include the construction of a sports court, pool and patio areas. The proposed project would be consistent with the bulk and scale of the surrounding residential community. Architectural facade details include the use of stucco and stone veneer walls, mission clay roof tiles and decorative rafter tails. As designed the project complies with the 30-foot Coastal Height Limit Overlay Zone and LJSPDO requirements. The proposed lot coverage of 26% complies with the 60% maximum allowed (Attachments 5-6). The project meets all development regulations and requires no deviations.
Community Plan Analysis:
The La Jolla Community Plan designates the site and surrounding area to the north, south, east and west as Very Low Density Residential (0-5 dwelling units/acre) and the project site and surrounding residential development to the north, south, east and west are all located within the Single Family (SF) Zone of the La Jolla Shores Planned District (LJSPD). As proposed, the project would be consistent with the bulk and scale of the surrounding residential community, which is comprised of large custom homes of various architectural styles. The proposed development project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the LJSPD, adopted La Jolla Community Plan and the Local Coastal Program Land Use Plan (LCP), the Progress Guide and General Plan.

Environmental Analysis:
The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following area: Historical Resources (Archaeology). Due to the presence Native American human burials in the vicinity of the project area, grading depths required for excavation, and the limitations of the archaeological investigation, there remains a potential to impact subsurface archaeological resources. Archaeological and Native American monitoring has been recommended during any grading/ground-disturbing activities. A Mitigated Negative Declaration (MND) No. 341630 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) and a Mitigation, Monitoring and Reporting Program (MMRP) requiring archaeological monitoring will be implemented with this project to reduce the potential impacts to below a level of significance.

CONCLUSION

Staff has reviewed the application for the Site Development Permit and has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project as proposed. Therefore, staff recommends that the Hearing Officer approve certify the MND, adopt the MMRP and approve the requested permit.

ALTERNATIVES

1. Approve Site Development Permit No. 1198970, with modifications.

2. Deny Site Development Permit No. 1198970, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

[Signature]
Patricia Fitzgerald, Development Project Manager
Attachments:

1. Aerial Photograph  
2. Community Plan Land Use Map  
3. Project Location Map  
4. Project Data Sheet  
5. Draft Permit Resolution with Findings  
6. Draft Permit with Conditions  
7. Draft Environmental Resolution with MMRP  
8. Project Site Plans  
9. Community Planning Group Recommendation  
10. Ownership Disclosure Statement
Legend
- Very Low Density Residential (0-5 DU/AC)
- Low Density Residential (5-9 DU/AC)
- Low Medium Residential (9-15 DU/AC)
- Medium Residential (16-30 DU/AC)
- Medium High Residential (30-45 DU/AC)
- Commercial/Mixed Use
- Parks, Open Space
- Schools
- Cultural
- Community Facilities

Land Use Map
CALLE DE LA GARZA REMODEL
PROJECT NO. 341630

Project Site

North
Project Location Map

CALLE DE LA GARZA REMODEL
PROJECT NO. 341630

North
## PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Calle de la Garza Remodel</th>
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</thead>
<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Renovation of existing 3,643 square foot home, including demolition of 631-square-feet of the existing structure and construction of a 4,520 square foot addition, resulting in a 7,532 square foot, two-story, single-family residence.</td>
</tr>
<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>La Jolla</td>
</tr>
<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Site Development Permit</td>
</tr>
<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Very Low Density Residential (allows residential development of 0-5 dwelling units per acre).</td>
</tr>
</tbody>
</table>

### ZONING INFORMATION:

- **ZONE**: SF-LJSPDO
  - (A single family residential zone in the La Jolla Shores Planned District)
- **HEIGHT LIMIT**: 30 feet maximum height limit; proposed 24'-9" max height
- **LOT SIZE**: Average in Area
- **FLOOR AREA RATIO**: NA – Lot Coverage 60% max; proposed 26%
- **FRONT SETBACK**: 20 feet proposed
- **SIDE SETBACK**: 13 feet proposed
- **STREETSIDE SETBACK**: n/a
- **REAR SETBACK**: 19 feet proposed
- **PARKING**: 2 parking spaces required; 4 parking spaces provided

### ADJACENT PROPERTIES:

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Low Density Residential; SF-LJSPDO.</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Low Density Residential; SF-LJSPDO.</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>EAST</td>
<td>Low Density Residential; SF-LJSPDO.</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>WEST</td>
<td>Low Density Residential; SF-LJSPDO.</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

### DEVIATIONS OR VARIANCES REQUESTED:

- None

### COMMUNITY PLANNING GROUP RECOMMENDATION:

- On February 6, 2014, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the project with no conditions.
WHEREAS, MICHAEL ROHMILLER and KIMBERLY DRAUD, Owners/Permittees, filed an application with the City of San Diego for a permit to remodel and expand an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1198970), on portions of a 0.56-acre site; and

WHEREAS, the project site is located at 2350 Calle de Garza within the Single Family (SF) Zone of the La Jolla Shores Planned District (LJSPD), Coastal Overlay Zone (Non-Appealable 2 Area), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Area; and

WHEREAS, the project site is legally described as Lot 11 of Cerca De La Playa, according to Map No. 7957; and

WHEREAS, on July 16, 2014, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1198970 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 July 16, 2014.

FINDINGS:

Site Development Permit - Section 126.0504

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The project site is designated very low density residential at 0-5 dwelling units per acre (du/acre) in the La Jolla Community Plan and Local Coastal Program. The project proposes 1 dwelling unit on a 0.56-acre site resulting in a density of 1.8 du/acre, and is therefore consistent with the recommended land use and density of the La Jolla Community Plan. The La Jolla Community Plan and the La Jolla Shores Planned District Ordinance contain policies and regulations related to architectural design and community character. The general theme of the policies and regulations are unity with variety. The proposed design, form and siting of the proposed development compliment the surrounding neighborhood; the project is consistent with the La Jolla Shores Planned District Ordinance's stated theme of 'unity with variety', and supports the goals and policies of the La Jolla Community Plan. The proposed project will not adversely affect the La Jolla Community Plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.
The proposed project will connect all necessary sewer and water facilities to serve the occupants of the development. The project will incorporate construction Best Management Practices (BMP) necessary to comply with Chapter 14 Article 2, Division 1 of the San Diego Municipal Code. The project will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City’s Storm Water Standards. The project will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. The project will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ and Amended by Order No. 2010-0014-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 (NPDES General Permit No. CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code requirements will be met with the proposed project. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE APPLICABLE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The proposed project complies with the applicable regulations of the Land Development Code. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Site Development Permit No. 1198970. The proposed project conforms to the overall policies and regulations of the City of San Diego and represents a desirable project for the site and the La Jolla community.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1198970 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. 1198970, a copy of which is attached hereto and made a part hereof.

_________________________________________
Patricia J. FitzGerald
Development Project Manager
Development Services

Adopted on: July 16, 2014

Internal Order No. 24004109
This Site Development Permit No. 1198970 is granted by the Hearing Officer of the City of San Diego to MICHAEL ROHMILLER and KIMBERLY DRAUD, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 0.56-acre site is located at 2350 Calle de Garza in within the Single Family (SF) Zone of the La Jolla Shores Planned District (LJSPD), Coastal Overlay Zone (Non-Appealable 2 Area), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area. The project site is legally described as Lot 11 of Cerca De La Playa, according to Map No. 7957.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to remodel and expand an existing single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 16, 2014, on file in the Development Services Department.

The project shall include:

a. Renovation of an existing 3,643 square foot home, including demolition of 631-square-feet of the existing structure and construction of a 4,520 square foot addition, resulting in a 7,532 square foot, two-story, single family residence;

b. Demolition of an existing tennis court and construction of a new sports court, swimming pool, and associated retaining walls and fences.

c. Landscaping (planting, irrigation and landscape related improvements);

d. Off-street parking;
e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 24, 2017.

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 Owners/Permittees sign and return the Permit to the Development Services Department; and
   b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owners/Permittees and any successor(s) in interest.

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 Owners/Permittees for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit “A.” Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

If any condition of this Permit, on a legal challenge by the Owners/Permittees of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

10. The Owners/Permittees shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees 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, Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 341630, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
13. The Owners/Permittees shall comply with the MMRP as specified in Mitigated Negative Declaration No. 341630, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- **Historical Resources – Archaeology**

**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond the installation of two new 12-foot wide City standard driveways on Calle De La Garza, per Standard Drawing SDG-159, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owners/Permittees shall assure by permit and bond the closure of the existing driveway with City standard curb, gutter and sidewalk, adjacent to the site on Calle De La Garza, satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owners/Permittees shall obtain an Encroachment Maintenance and Removal agreement from the City Engineer for the proposed curb outlet, adjacent to the project site on Calle De La Garza, satisfactory to the City Engineer.

17. This project proposes to export 225 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 processing and sale of the export material. All such activities require a separate Conditional Use Permit.

18. Prior to the issuance of any construction permit, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

20. Prior to the issuance of any construction permit the Owners/Permittees 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.

**PLANNING/DESIGN REQUIREMENTS:**

21. The Owners/Permittees shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit “A.” Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
22. 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 Owners/Permittees.

23. Prior to the issuance of any construction plans the existing shed and wall located within the 15' sewer easement shall be removed.

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

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

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

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

APPROVED by the Hearing Officer of the City of San Diego on July 16, 2014, and Resolution No. HO-____.
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Patricia J. FitzGerald
Development Project Manager

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

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

By ____________________________
MICHAEL ROHMILLER
Owner/Permittee

By ____________________________
KIMBERLY DRAUD
Owner/Permittee

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, on October 24, 2013, MICHAEL ROHMILLER and KIMBERLY DRAUD, Owners/Permittees, submitted an application to Development Services Department for a Site Development Permit for the Calle De La Garza Remodel Project; and

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

WHEREAS, the issue was heard by the Hearing Officer on July 16, 2014; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 341630 (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, 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: ________________________________

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

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 1198970

CALLE DE LA GARZA REMODEL PROJECT NO. 341630

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 Advance Planning and Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 341630 shall be made conditions of Site Development Permit No. 1198970 as may be further 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, specifications, 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 Archaeologist, Native American Monitor**

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

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division** – 858-627-3200

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

2. **MMRP COMPLIANCE**: This Project, Project Tracking System (PTS) Number 341630 and/or Environmental Document Number 341630, 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

<table>
<thead>
<tr>
<th>Issue Area</th>
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## C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

### HISTORICAL RESOURCES (ARCHAEOLOGY)

#### 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 Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

**B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

#### 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 (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

**B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American....
Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor’s absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

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

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in
the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

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

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

4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

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

IV. Discovery of Human Remains

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

A. Notification

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

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.

2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
C. If Human Remains ARE determined to be Native American
   1. The Medical Examiner will notify the Native American Heritage Commission
      (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this
      call.
   2. NAHC will immediately identify the person or persons determined to be the Most
      Likely Descendent (MLD) and provide contact information.
   3. The MLD will contact the PI within 24 hours or sooner after the Medical
      Examiner has completed coordination, to begin the consultation process in
      accordance with CEQA Section 15064.5(e), the California Public Resources and
      Health & Safety Codes.
   4. The MLD will have 48 hours to make recommendations to the property owner or
      representative, for the treatment or disposition with proper dignity, of the human
      remains and associated grave goods.
   5. Disposition of Native American Human Remains will be determined between the
      MLD and the PI, and, if:
      a. The NAHC is unable to identify the MLD, OR the MLD failed to make a
         recommendation within 48 hours after being notified by the Commission; OR;
      b. The landowner or authorized representative rejects the recommendation of the
         MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails
         to provide measures acceptable to the landowner, THEN,
      c. In order to protect these sites, the Landowner shall do one or more of the
         following:
         (1) Record the site with the NAHC;
         (2) Record an open space or conservation easement on the site;
         (3) Record a document with the County.
      d. Upon the discovery of multiple Native American human remains during a
         ground disturbing land development activity, the landowner may agree that
         additional conferral with descendants is necessary to consider culturally
         appropriate treatment of multiple Native American human remains. Culturally
         appropriate treatment of such a discovery may be ascertained from review of
         the site utilizing cultural and archaeological standards. Where the parties are
         unable to agree on the appropriate treatment measures the human remains and
         items associated and buried with Native American human remains shall be
         reinterred with appropriate dignity, pursuant to Section 5.c., above.
   D. If Human Remains are NOT Native American
      1. The PI shall contact the Medical Examiner and notify them of the historic era
         context of the burial.
      2. The Medical Examiner will determine the appropriate course of action with the PI
         and City staff (PRC 5097.98).
      3. If the remains are of historic origin, they shall be appropriately removed and
         conveyed to the San Diego Museum of Man for analysis. The decision for
         internment of the human remains shall be made in consultation with MMC, EAS,
         the applicant/landowner, any known descendant group, and the San Diego
         Museum of Man.

V. Night and/or Weekend Work
   A. If night and/or weekend work is included in the contract
      1. When night and/or weekend work is included in the contract package, the extent
         and timing shall be presented and discussed at the precon meeting.
      2. The following procedures shall be followed.
         a. No Discoveries
            In the event that no discoveries were encountered during night and/or
            weekend work, the PI shall record the information on the CSVR and submit to
            MMC via fax by 8AM of the next business day.
b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV - Discovery of Human Remains shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

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

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

VI. Post Construction
A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
b. Recording Sites with State of California Department of Parks and Recreation
   The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City’s Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.
C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV - Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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.
Attention: PJ Fitzgerald, PM  
City of San Diego

Project: 2350 Calle De La Garza  
PN: 341630

Motion: To accept the recommendation of the DPR Committee:  
That Findings can be made for a process 3 Site  
Development Permit for Project No. 341630, with plans  
dated 1-28-2014. (5-0-0)  

Vote: 15-0-1  

Submitted by: Joe LaCava, Vice President  
La Jolla CPA

Date: 18 February 2014
LA JOLLA SHORES PLANNED DISTRICT

Applicant: 2350 Calle de la Ganza Item: #1 Calle de la Ganza

Date: 1/21/2014

To: Planning Director
From: La Jolla Shores Planned District Advisory Board
Subject: Proposal Within La Jolla Shores Planned District

The La Jolla Shores Planned District Advisory Board has reviewed the applicant for:

Approval as a major (process 3) remodel as being in compliance with all aspects of the PDO

located

and recommends:

A. Approval because of conformity to criteria and design standards adopted by the City Council

B. Denial because of nonconformity to criteria and design standards adopted by the City Council. (Reasons for nonconformity on reverse side.)

C. Approval subject to the following modifications to ensure conformity to criteria and design standards adopted by the City Council.

D. Denial because of lack of four affirmative votes.

Board Signatures

Approving Item:  

Disapproving Item:  

Absentees:  

Chairman
# Ownership Disclosure Statement

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

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### Approval Type

Check appropriate box for type of approval (s) requested:

- [ ] Neighborhood Use Permit  
- [ ] Coastal Development Permit  
- [ ] Neighborhood Development Permit  
- [X] Site Development Permit  
- [ ] Planned Development Permit  
- [ ] Conditional Use Permit  
- [ ] Variance  
- [ ] Tentative Map  
- [ ] Vesting Tentative Map  
- [ ] Map Waiver  
- [ ] Land Use Plan Amendment  
- [ ] Other

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledges 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

- [X] Yes  
- [ ] No

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

- **Michael Rohmiller**  
  - [X] Owner  
  - [ ] Tenant/Lessee  
  - [ ] Redevelopment Agency

  **Street Address:**  
  2612 Marlo Way  
  **City/State/Zip:**  
  Lakeside Park, KY 41017  
  **Phone No:** (859)322-2616  
  **Fax No:** (859)341-0422  
  **Signature:**  
  [Signature]  
  **Date:** 09/26/13

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

- **Kimberly Draud**  
  - [X] Owner  
  - [ ] Tenant/Lessee  
  - [ ] Redevelopment Agency

  **Street Address:**  
  2612 Marlo Way  
  **City/State/Zip:**  
  Lakeside Park, KY 41017  
  **Phone No:** (859)322-2616  
  **Fax No:** (859)341-0422  
  **Signature:**  
  [Signature]  
  **Date:** 09/26/13

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

DS-318 (5-05)