

#### THE CITY OF SAN DIEGO

# REPORT TO THE HEARING OFFICER

**HEARING DATE:** 

September 16, 2015

REPORT NO. HO-15-116

ATTENTION:

Hearing Officer

SUBJECT:

LEIBOWITZ RESIDENCE

PTS PROJECT NUMBER: 374521

LOCATION:

8283 La Jolla Shores Drive

APPLICANTS/

Mark and Karen Leibowitz (Attachment 9)

OWNERS:

#### **SUMMARY**

<u>Issue(s)</u>: Should the Hearing Officer approve a Coastal Development Permit and Site Development Permit for demolition of an existing residence and construction of a new two-story, single family residence in the La Jolla Community Planning Area?

#### Staff Recommendations -

- ADOPT Mitigated Negative Declaration (MND) No. 374521 and ADOPT Mitigation, Monitoring Reporting Program (MMRP); and
- APPROVE Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084.

<u>Community Planning Group Recommendation</u> – On August 6, 2015, the La Jolla Community Planning Association voted 9-3-2 to recommend approval of the project with no conditions (Attachment 9).

At their meeting on July 21, 2015, the La Jolla Shores Advisory Board voted 3-1 on a motion to approve the project, resulting in a failed vote due to lack of a quorum (4 affirmative votes were needed to carry the motion). Thus, the LJSAB moves the project forward with no recommendation.

<u>Environmental Review</u>: Mitigated Negative Declaration No. 374521 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 1.12 acre (48,787-square-foot) project site is located at 8283 La Jolla Shores Drive, 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 Parcel 1 of Parcel Map No. 13452. Currently developed with an existing 4,088-square-foot, one-story, single family residence, pool house, swimming pool and tennis court, the property lies within a developed neighborhood of custom designed single-family homes (Attachments 1-3).

A Coastal Development Permit (CDP) is required by the Land Development Code (Section 126.0702) for proposed development on property within the Coastal Overlay Zone, in accordance with Process Two (Hearing Officer as decision maker). 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) and Coastal Development Permit (CDP) is required for the proposed demolition of an existing 4,088-square-foot, one-story, single-family home and detached guest house, and construction a new 9,245-square-foot, two-story single-family home, a 157-square-foot, one-story pool house and a new swimming pool.

#### **Project Description:**

The proposed five-bedroom, single-family residence would consist of two levels totaling 9,245square-feet. The lower level will be approximately 6,260 square-feet of living area, and the upper level will be approximately 2,125 square-feet in size; two (2) attached garages totaling 860 square-feet providing three (3) vehicle parking spaces. The project includes construction of 1,210 square feet of first and second floor decks and 286 square feet of covered patios for the home, a 350-square-foot covered patio for the pool house, new outdoor terraces, site walls, fences and other miscellaneous site improvements. An existing tennis court will be retained. Vehicular access to the site would be provided via a shared private driveway off of La Jolla Shores Drive, which also serves as private access to other homes in the immediate vicinity. The proposed project will be consistent with the bulk and scale of the surrounding residential community. Architectural facade details include the use of stucco in "Crystal White" color with grey stone cornice detailing; metal windows and doors are planned to be in a gun metal grey accent color. As designed the project complies with the 30-foot Coastal Height Limit Overlay Zone and LJSPDO requirements. The proposed lot coverage of 21% complies with the 60% maximum allowed (Attachment10). A Water Quality Technical Report (including a storm water drainage study) was prepared for the project and concluded that the detention and retention measures incorporated into the project's drainage design will improve current drainage conditions at the site, resulting in an approximate 9 percent reduction in surface runoff. Permit conditions require

the project to meet the City's Storm Water Standards and ongoing permanent BMP maintenance prior to construction permit issuance. 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). The La Jolla Community Plan and the La Jolla Shores Planned District Ordinance (PDO) contain policies and regulations related to architectural design and community character, and the purpose and intent of the PDO regulations states that the "distinctive residential character and the open seascape orientation of the La Jolla Shores Area shall be retained and enhanced".

As proposed, the project will be consistent with the bulk and scale of the surrounding residential community, which is comprised of large custom homes of various architectural styles. The design, form and siting of the proposed home will compliment the surrounding neighborhood, and the project is consistent with the La Jolla Shores PDO's stated theme of 'unity with variety'. The proposed new home will support the goals and policies of the La Jolla Community Plan to "promote the development of a variety of housing types and styles in La Jolla", and "allow a harmonious visual relationship to exist between the bulk and scale of new and older structures". The proposed 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. 374521 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 Coastal Development Permit and 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 Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084, with modifications.
- 2. Deny Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

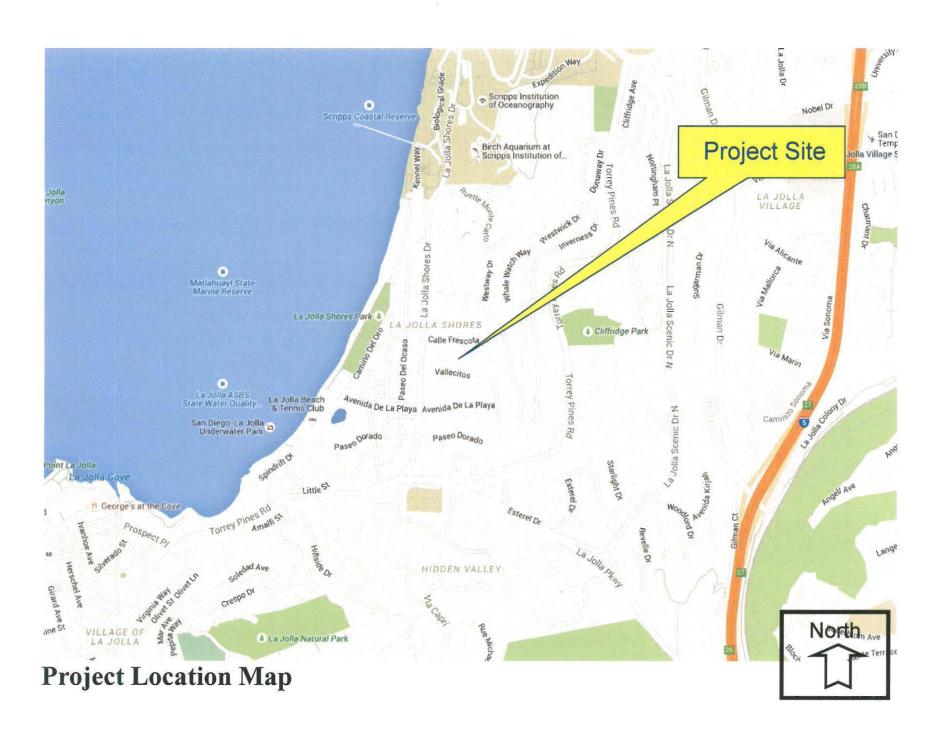
Patricia J. FitzGerald, Development Project Manager

#### Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Environmental Resolution with MMRP
- 6. Draft Permit Resolution with Findings
- 7. Draft Permit with Conditions
- 8. Community Planning Group Recommendation
- 9. Ownership Disclosure Statement
- 10. Project Site Plans

# ATTACHMENT 1





PROJECT DATA SHEET		
PROJECT NAME:	Leibowitz Residence	
PROJECT DESCRIPTION:	Demolition of existing single dwelling unit and construction of a 9,245 square-foot single dwelling unit on a 1.12-acre lot	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Site Development Permit, Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (allows residential development of 0-5 dwelling units per acre).	

# **ZONING INFORMATION:**

**ZONE: SF-LJSPDO** 

(A single family residential zone in the La Jolla Shores Planned District)

HEIGHT LIMIT: 30 feet maximum height limit; 29'-4" max height proposed

LOT SIZE: No change to existing 1.12-acre lot

FLOOR AREA RATIO: PDO has no Maximum FAR; 0.194 proposed (9,495 /48,787)

LOT COVERAGE: 60% max; 20.6% proposed

FRONT SETBACK: General conformity; 16 feet proposed

SIDE SETBACK: General conformity; 73 feet (W), 30 feet (E) proposed

STREETSIDE SETBACK: n/a

**REAR SETBACK:** General conformity; 75 feet proposed

PARKING: 2 parking spaces required; 3 parking spaces provided

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Low Density Residential; SF-LJSPDO.	Single Family Residence	
SOUTH:	Low Density Residential; SF-LJSPDO.	Single Family Residence	
EAST:	Low Density Residential; SF-LJSPDO.	Single Family Residence	
WEST:	Low Density Residential; SF-LJSPDO.	Single Family Residence	
DEVIATIONS OR VARIANCES REQUESTED:	None		
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 6, 2015, the La Jolla Community Planning Association voted 9-3-2 to recommend approval of the project with no conditions.		

# RESOLUTION NUMBER R-\_\_\_\_\_ADOPTED ON September 16, 2015

WHEREAS, on August 6, 2014, Dan Gower submitted an application to the Development Services Department for a Coastal Development Permit and Site Development Permit for the Leibowitz Residence (Project); and

WHEREAS, the matter was set of 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 September 16, 2015; 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 Mitigated Negative Declaration No. 374521 (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.

ATTACHMENT 5

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire

record that project revisions now mitigate potentially significant effects on the environment

previously identified in the Initial Study, that there is no substantial evidence that the Project will

have a significant effect on the environment, and therefore, that said Declaration is hereby

adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing

Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to

implement the changes to the Project as required by this Hearing Officer in order to mitigate or

avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting

the record of proceedings upon which the approval is based are available to the public at the

office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department staff is directed

to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of

San Diego regarding the Project.

Patricia J. FitzGerald

Development Project Manager

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

#### **EXHIBIT A**

#### MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit No. 1329084 and Coastal Development Permit No. 1323595 PROJECT NO. 374521

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. No. 374521 shall be made conditions of Site Development Permit No. 1329084 and Coastal Development Permit No. 1323595 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, 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 archaeologist
    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, applicant t is also required to call **RE and MMC at 858-627-3360**
- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 374521 and/or Environmental Document Number 374521, 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			
Issue Area Document Submittal		Associated Inspection/Approvals/Notes	
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation	
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter	
General	Consultant Qualification Letters	Prior to Preconstruction Meeting	
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting	

# C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

#### HISTORICAL RESOURCES (ARCHAEOLOGY)

In order to avoid significant historical resources impacts, the following mitigation measures shall be implemented by the project applicant. Compliance with the mitigation measures shall be the responsibility of the applicant.

#### 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 appropriate 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 to meet the qualifications established in the HRG.
  - 3. Prior to the start of work, the applicant must 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 (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast 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 ½ 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, 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) 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
  - The Archaeological Monitor shall be present full-time during 1. grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. 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 absences, 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 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

- In the event of a discovery, the Archaeological Monitor shall direct
  the contractor to temporarily divert trenching activities, including
  but not limited to digging, trenching, excavating or grading 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.
- 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 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 resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

#### 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 me made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section15064.5(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 provenience of the remains.
- 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
- 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 the CEQA Section

- 15064.5(e), and the California Public Resource 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 shall be determined between the MLD and the PI, 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 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 Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the 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 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
  - 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

- 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. WOULD ALSO REQUIRE THE INCLUSION OF ALL PRIOR ARCHAEOLOGICAL WORK CONDUCTED WHERE MATERIALS WERE COLLECTED IN 1996 AND 2003 BY BFSA. REFER TO HISTORICAL RESOURCES (CULTURAL RESOURCES/CURATION AND FINAL REPORT **PREPARATION** OF **PREVIOUS** ARCHAEOLOGICAL CONDUCTED WORK MMRP CONIDTION). 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 the 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.

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.

# HEARING OFFICER RESOLUTION NO. HO\_\_\_ COASTAL DEVELOPMENT PERMIT NO. 1323595 SITE DEVELOPMENT PERMIT NO. 1329084 LEIBOWITZ RESIDENCE - PROJECT NO. 374521 [MMRP]

WHEREAS, MARK LEIBOWITZ and KAREN LEIBOWITZ, Owners/Permittees, filed an application with the City of San Diego for a permit to demolish an existing home and construct a new single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084), on portions of a 1.12 acre (48,787-square-foot) site; and

WHEREAS, the project site is located at 8283 La Jolla Shores Drive 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 Parcel 1 of Parcel Map No. 13452; and

WHEREAS, on September 16, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084 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 September 16, 2015.

#### FINDINGS:

#### Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way 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 demolition of an existing home and accessory improvements and the construction of a 9,245-square-foot, two-story, single-family home, a 157-square-foot, one-story pool house and a new swimming pool, and other accessory site improvements will not encroach upon any existing physical accessway legally used by the public or on any proposed public accessway identified in the Local Coastal Program land use plan. The project site is a legally subdivided lot designated for single-family residential use and the surrounding properties are similarly developed. Access to the project site is via a private drive fronting La Jolla Shores Drive, and the area is served by dedicated public rights-of-way for

vehicular, bicycle and pedestrian access to the beaches and shoreline of the Pacific Ocean lying approximately 5 blocks to the west. There are no public views to or along the Pacific Ocean and other scenic coastal areas impacted by this development and the proposed structure and accessory improvements are in conformity to zoning and other development criteria, including building height. The proposed coastal development will enhance and protect public views as specified in the La Jolla Community Plan and Local Coastal Program land use plan through its compliance with adopted development regulations.

- The proposed coastal development will not adversely affect environmentally sensitive lands. The 1.12 acre (48,787-square-foot) site is currently developed with a 4,088square-foot, one-story, single-family home and a detached pool house. The project proposes demolition of these existing structures and construction of a 9,245-square-foot, two-story, single-family home, a 157-square-foot, one-story pool house and a new swimming pool. 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. Mitigated Negative Declaration (MND) No. 374521 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 during any grading/ground-disturbing activities and curating of any artifacts recovered on-site will be implemented as a condition of the project to reduce the potential impacts to below a level of significance. Other than the potential for archaeological resources, the property does not contain nor is it adjacent to environmentally sensitive lands. Therefore, the proposed coastal 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 project proposes demolition of an existing single-family home and accessory uses and construction of a 9,245-square-foot, two-story, single-family home with attached garages providing three (3) off-street parking spaces, a 157-square-foot, one-story pool house and a new swimming pool on a 1.12 acre (48,787-square-foot) site zoned SF (single-family) within the La Jolla Shores Planned District. Comprised of a mix of older homes and new large single-family residences, residential housing in the vicinity of the project site represents a variety of architectural styles and the project will be consistent with existing patterns of development in the surrounding neighborhood. The proposed project complies with the La Jolla Shores SF-Zone and applicable regulations of the Land Development Code, and conditions of approval require the continued compliance with all relevant regulations of the City of San Diego Municipal Code effective for this site and incorporated into Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084. The proposed coastal development is in conformity with the La Jolla Community Plan and Local Coastal Program land use plan, and complies with all regulations of the certified Implementation Program.
- 4. For every coastal development permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the coastal overlay zone the coastal development is in conformity with the public access and public recreation policies of chapter 3 of the California Coastal

Act. The project proposes demolition of existing improvements and the construction of a new single-family residence on property located at 8283 La Jolla Shores Drive in the SF Zone of La Jolla Shores Planned District. The project site lies approximately 5 blocks east of the Pacific Ocean and is not between the nearest public road and the sea and shoreline of the Pacific Ocean located within the Coastal Overlay Zone. The proposed demolition of an existing home and development of a new residence will be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

### Site Development Permit - Section 126.0504

- 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 1.12-acre site resulting in a density of 1.1 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 (PDO) contain policies and regulations related to architectural design and community character, and the purpose and intent of the PDO regulations states that the "distinctive residential character and the open seascape orientation of the La Jolla Shores Area shall be retained and enhanced". The design, form and siting of the proposed development will compliment the surrounding neighborhood, and the project is consistent with the La Jolla Shores PDO's stated theme of 'unity with variety'. The proposed new home will support the goals and policies of the La Jolla Community Plan to "promote the development of a variety of housing types and styles in La Jolla", and "allow a harmonious visual relationship to exist between the bulk and scale of new and older structures". The proposed development will not adversely affect the La Jolla Community Plan.
- The proposed development will not be detrimental to the public health, safety, and welfare. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Code requirements will be met with the proposed project. A Water Quality Technical Report (including a storm water drainage study) was prepared for the project and concluded that the detention and retention measures incorporated into the project's drainage design would improve current drainage conditions at the site, resulting in an approximate 9 percent reduction in surface runoff. Permit conditions require the project to meet the City's Storm Water Standards and ongoing permanent BMP maintenance prior to construction permit issuance. 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, and will enter into a Maintenance Agreement for ongoing permanent BMP maintenance. As noted previously, MND No. 374521 has been prepared and a MMRP will be required to reduce potential impacts to Paleontological resources to a level below significance. 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 and with the development regulations of the La Jolla Shores Planned District Ordinance. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084. 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, Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald Development Project Manager Development Services

Adopted on: September 16, 2015

Internal Order No. 24004778

#### RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**INTERNAL ORDER NUMBER: 24004778** 

### COASTAL DEVELOPMENT PERMIT NO. 1323595 SITE DEVELOPMENT PERMIT NO. 1329084 LEIBOWITZ RESIDENCE - PROJECT NO. 374521 [MMRP] HEARING OFFICER

This Coastal Development Permit No. 1323595 and Site Development Permit No. 1329084 is granted by the Hearing Officer of the City of San Diego to MARK LEIBOWITZ and KAREN LEIBOWITZ, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Section 126.0708 and Section 126.0504. The 1.12 acre (48,787-square-foot) project site is located at 8283 La Jolla Shores Drive 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 Parcel 1 of Parcel Map No. 13452.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish an existing home and construct a new single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 16, 2015, on file in the Development Services Department.

#### The project shall include:

- Demolition of an existing 4,088-square-foot, one-story, single-dwelling unit and detached guest house;
- Construction of a 9,245-square-foot, two-story, single-family home, and a 157-square-foot, one-story pool house, 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 October 1, 2018.
- 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:
  - 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. 374521, 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. 374521, 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. The project proposes to export 320 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
- 15. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
- 16. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.
- 17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
- 19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
- 20. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

#### **GEOLOGY REQUIREMENTS:**

21. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

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

#### LANDSCAPING REQUIREMENTS:

- 23. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department
- 24. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- 25. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'
- 26. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).
- 27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

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

#### PLANNING/DESIGN REQUIREMENTS:

- 29. 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.
- 30. 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.
- 31. 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 Heari	ng Officer of the	e City of San	Diego on S	eptember 16	, 2015, and
Resolution No. HO-	•				

# **ATTACHMENT 7**

Coastal Development Permit No. 323595 Site Development Permit No. 1329084 Date of Approval: September 16, 2015

AUTHENTICATED BY THE CITY OF SAN DI DEPARTMENT	IEGO DEVELOPMENT SERVICES
Patricia J. FitzGerald Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
The undersigned Owners/Permittees, by execu of this Permit and promises to perform each and enhereunder.	
	By
	ByKAREN LEIBOWITZ Owner/Permittee

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

DRAFT Minutes, Thursday, 6 August 2015
Regular Meeting of the La Jolla Community Planning Association
Page 7 of 7

Abstain: Greatrex (Chair)

#### 11. Feuerstein Residence, 8351 Del Oro Court - pulled by Trustee Zimmerman

PRC Recommendation: Findings can be made for a CDP & SDP, Process 3, to demolish the existing single family residence and construct a new 9,614 square foot two-story residence on a .68-acre lot. 5-0-1

**Trustee Zimmerman** pulled the project because of its size. **Architect Tim Martin** described the project as being on a large sloping lot with little street frontage so that both ends of the residence will be obscured from view by stone pines. The second story is pulled back. The FAR is 0.32, with part of the GFA coming from phantom areas. Landscaping is 42%. Front yard setback is 22'; rear is 33'; sideyard setbacks are: 12', 38', 60' and 12'.

Approved Motion: To ratify the recommendation of the PRC that the findings can be made for a CDP & SDP, Process 3, to demolish the existing single family residence and construct a new 9,614 square foot two-story residence on a .68-acre lot (Outwater, Ahern: 12-1-1)

In favor: Ahern, Boyden, Brady, Costello, Donovan, Emerson, Fitzgerald, Little, Outwater, Steck, Weiss, Will Opposed: Zimmerman Abstain:

Greatrex (Chair)

#### 12. Leibowitz Residence, 8283 La Jolla Shores Drive- pulled by a resident.

PRC: Findings can be made for a CDP & SDP, Process 3, to demolish an existing residence and detached pool house, and construct a 9,245 sq ft single family residence with 157 sq ft detached pool house on a 1.12-acre lot. 3-2-1.

The resident who pulled the project was not present. Leanne MacDougall, who lives downslope adjacent to the proposed project spoke of her concern about drainage from the project onto her property, possibly flooding her guest house which is close to the property line. She wanted additional questions answered. Her consultant from Rick Engineering had queried the applicant's engineer, but the exchange was not concluded timely for this meeting. The City engineers were satisfied with the grading and drainage plans. For a 50-year flood condition, the drainage through the common drain would improve by 9% with greater improvement at lesser flood conditions; the project proposes retention basins on site to control the flow from heavy rains. They are not changing the direction of the natural flow through the common drain which serves a number of connected properties. Carson P. Edgington, RCE, of Rick Engineering and Steven R. Hauser, PE, Civil Engineer for the project spoke. Attorney Matt Peterson also commented and presented arguments for the project and argued that the drainage question was not in the purview of the LICPA. Documents submitted by the speakers are included in the Public Document and had been e-mailed to the trustees the day before and the afternoon of the LICPA meeting.

In response to Tricia Rihr, it was stated that the solar panels would be on the roof behind parapets and that roof

decks and rooftop umbrellas were not proposed; one-story height was 16' with the smaller two-story section reading 29'. It was stated that Ms. McDougall had changed the drainage in her yard. Various trustees commented on the improvement in drainage and that that had not been challenged. Trustees commenting to the various issues were: Little, Donovan, Steck, Emerson, Fitzgerald, Outwater, Weiss, and Will.

Approved Motion: to ratify the recommendation of the PRC that the findings can be made for a CDP & SDP, Process 3, to demolish an existing residence and detached pool house, and construct a 9,245 sq ft single family residence with 157 sq ft detached pool house on a 1.12-acre lot. (Steck, Outwater: 9-3-2)

In favor: Ahern, Boyden, Brady, Donovan, Fitzgerald, Outwater, Steck, Will, Zimmerman

Opposed: Costello, Emerson, Little

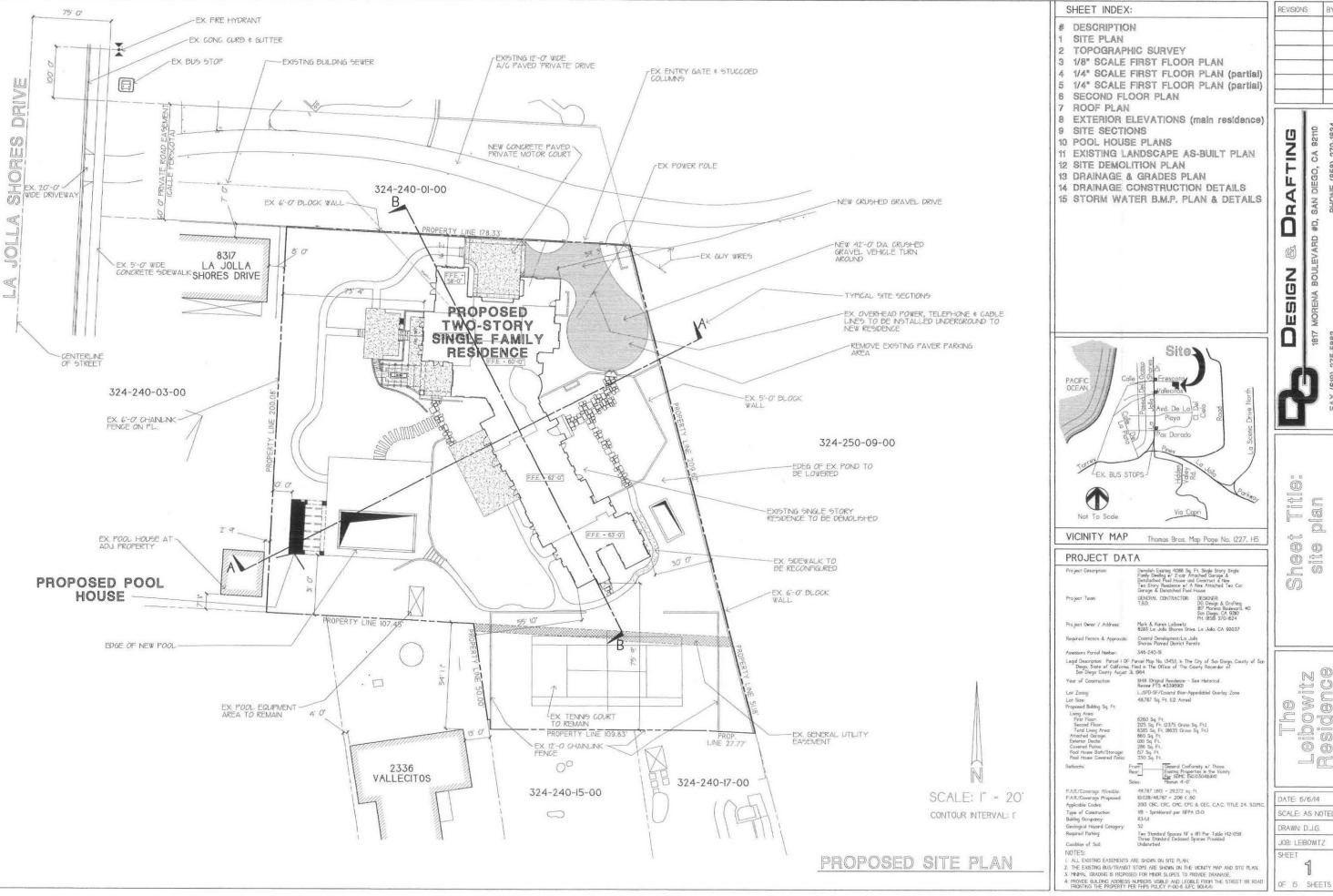
Abstain: Greatrex, (Chair), Weiss (friend of neighbor opponent)



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

# Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) reque	
Neighborhood Development Permit Site Development Permit Variance Tentative Map Vesting Tentative Map Map V	nit   Planned Development Permit   Conditional Use Permit   Waiver   Land Use Plan Amendment • Conditional Use Permit   C
Project Title	Project No. For City Use Only
Leibowitz Family Home	374521
Project Address:	
8283 La Jolla Shores Drive, La Jolla CA 92037	
Part I - To be completed when property is held by Individua	al(s)
above, will be filed with the City of San Diego on the subject property below the owner(s) and tenant(s) (if applicable) of the above reference who have an interest in the property, recorded or otherwise, and state individuals who own the property). A signature is required of at least from the Assistant Executive Director of the San Diego Redevelopment Development Agreement (DDA) has been approved / executed by the Manager of any changes in ownership during the time the application	ledge that an application for a permit, map or other matter, as identified by, with the intent to record an encumbrance against the property. Please list need property. The list must include the names and addresses of all persons the type of property interest (e.g., tenants who will benefit from the permit, all one of the property owners. Attach additional pages if needed. A signature and Agency shall be required for all project parcels for which a Disposition and the City Council. Note: The applicant is responsible for notifying the Project is being processed or considered. Changes in ownership are to be given to on the subject property. Failure to provide accurate and current ownership
2002	
Name of Individual (type or print): Karen Leibowitz	Name of Individual (type or print):  Mark Leibowitz
X Owner Tenant/Lessee Redevelopment Agency	▼ Owner
	production of the state of the
Street Address: 8283 La Jolla Shores Drive	Street Address: 8283 La Jolla Shores Drive
City/State/Zip:	City/State/Zip:
La Jolla, CA 92037	La Jolla, CA 92037
Phone No: Fax No: (858)551-0845 (866)728-3493	Phone No: Fax No: (858)551-0845 (866)366-4223
Signature : Date:	Signature : Date:
June 4, 2014	June 4, 2014
Name of Individual (type or print):	Name of Individual (type or print):
Owner Tenant/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date:	Signature: Date:



REVISIONS



l Title: plan site

The nowitz idence 

DATE: 6/6/14 SCALE: AS NOTE

DRAWN: D.J.G.

JOB: LEIBOWITZ

# TOPOGRAPHIC MAP



TELEPHONE: (858)271-990)

#### LEGAL DESCRIPTION

PARCEL I OF PARCEL MAP NO 1949S, IN THE CITY OF SAN DREUD, COUNTY OF SAN DREED, STATE OF COLLEGEMEN, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DEGO COUNTY AUGUST 34 1984.

#### BENCHMARK

CITY OF DAY DIECO BENCHMARK BRASS PLUG LODATED IN THE TOP OF DURB AT THE DOUTHEAST DIRNER OF DALLE DEL DRO AND DEL GRO COURT ELEVATION = 48:01\*
MEAN SEA LEVEL DIGVID, 19291.

#### NOTES

- 1 EASEMENTS, AGREEMENTS, DOCUMENTS AND OTHER MATTERS WHICH AFFECT THIS PROPERTY MAY EXIST, BUT CANNOT BE PLUTTED TITLE REPORT NOT PROVIDED.
- 2 DIE PRECISE COLATION OF UNDEMORQUMO UTILITIES COURD NOT BE DETERMINED IN THE FIELD BRIDE TO ANY ESCAVATION UTILITY COMPANIES VILL NEED TO MARK-OUT THE UTILITY LOCATIONS.
- 3. THE ADDRESS FOR THE SUBJECT PROPERTY IS BEES LA JULLA SHORES DRIVE, LA JULLA CA 92037.
- 4 THE ASSESSER PARCEL NUMBER FOR THE SUBJECT PROPERTY IS 346-240-19.
- 5. THE AREA OF THE SUBJECT PROPERTY IS 112 ACRES

#### **ABBREVIATIONS**

CONC CONCRETE
EL ELEVATION
FF FINSH FLOOR
FG FINSH GRADE
FS FINSH SURFACE
TYP TYPICAL



#### PROJECT DATA

Denokih Existing 4086 Sq. Ft. Single Story Single Forely Dwelling #7 2-cur Attached Gorage & Detalached Pool House and Costruct o New Two Story Residence #7 A New Attached Two Cor Gorage & Detatched Pool House

CENERAL CONTRACTOR: DESCRIBER
TR.D. DESCRIBER
DG Dasign & Drafting
867 Morrein Bodieverd, #3
Sin Diago. CA 9210
PH. (858) 270-1624

Project Gener / Address: Mark & Karen Lobavitz. 8283 La Jolla Shores Driva. La Jolla CA 92037.

Assessor's Parcel Number: 346-240-19

Legal Description: Parcel I OF Parcel Map No. (3452, In The City of Son Diego, County of Son Diego, State of California, Fled in The Office of The County Recorder of Son Diego County August 3: 1984.

1948 (Original Residence - See Historical Review PTS #339690) Year of Construction Lot Zoning: Lot Size: Proposed Building Sq. Ft. LUSPO-SF/Cocatal (Non-Appealable) Overlay Zone 48,787 Sq. Ft. III.2 Acres)

General Conformity st/ Those Existing Properties in the Vicely Per SDMC (SID.03045)(4)

Serbacks

Proposed F.AR.

FAR/Coverage Proposed.
Applicable Codes:
1996 of Contraction.
Bulling Occaments
Bullin

Condition of Soil

NOTES:

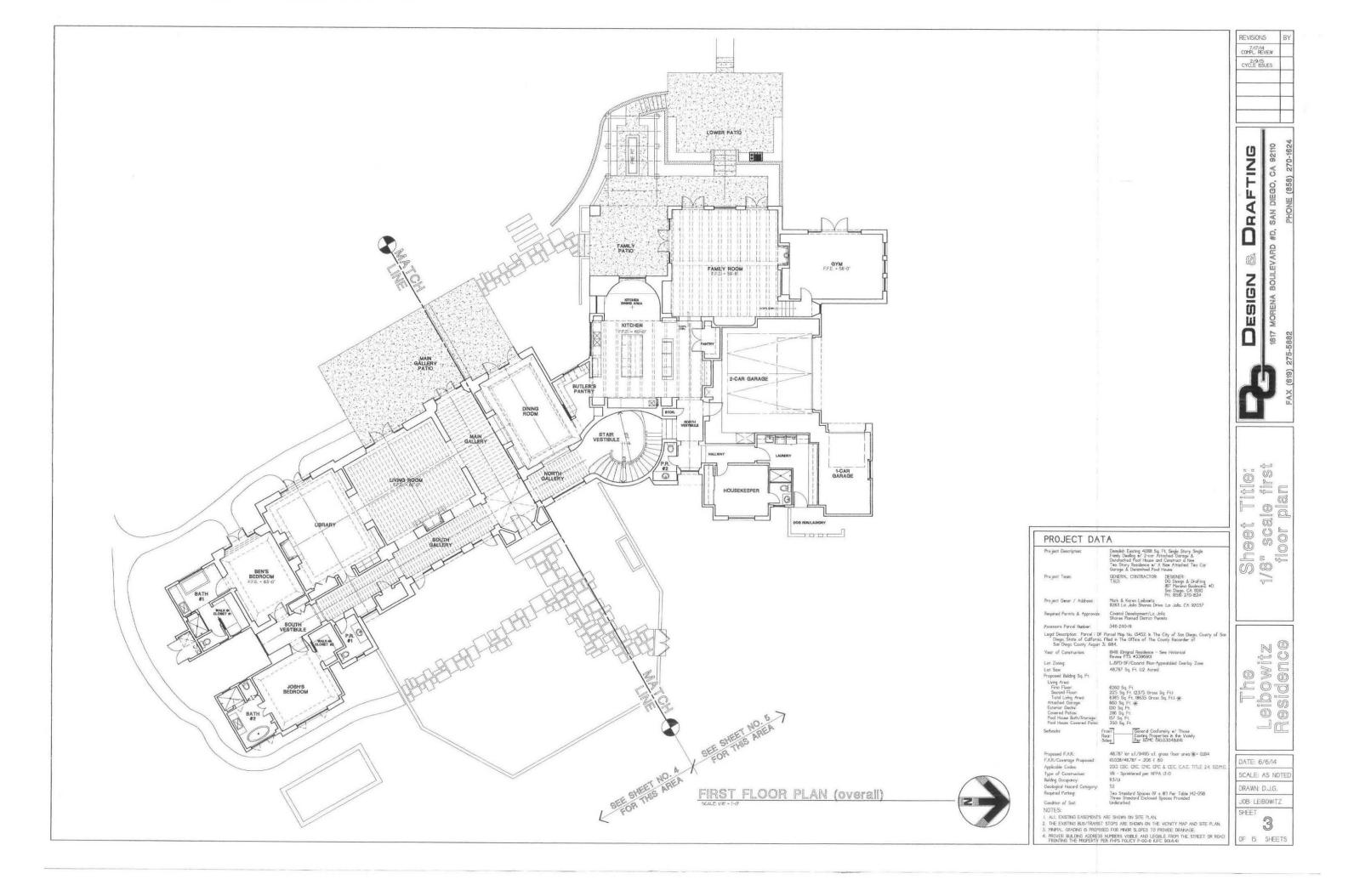
1. ALL EXISTING EASEMENTS ARE SHOWN ON STE FLAN.

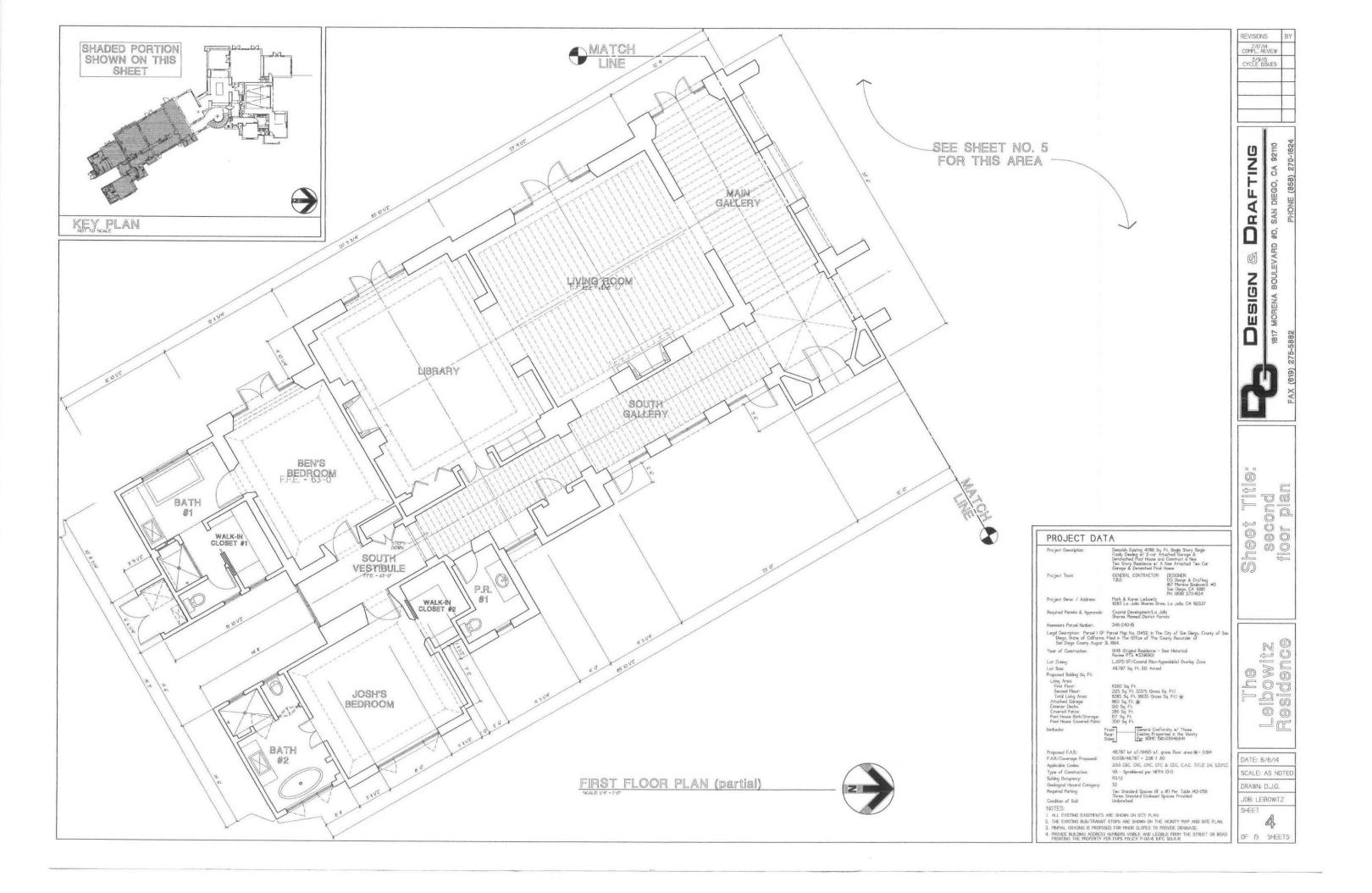
2. THE EXISTING BAST/RAKSIT STOPS ARE SHOWN ON THE VOINTY MAP AND SITE FLAN.

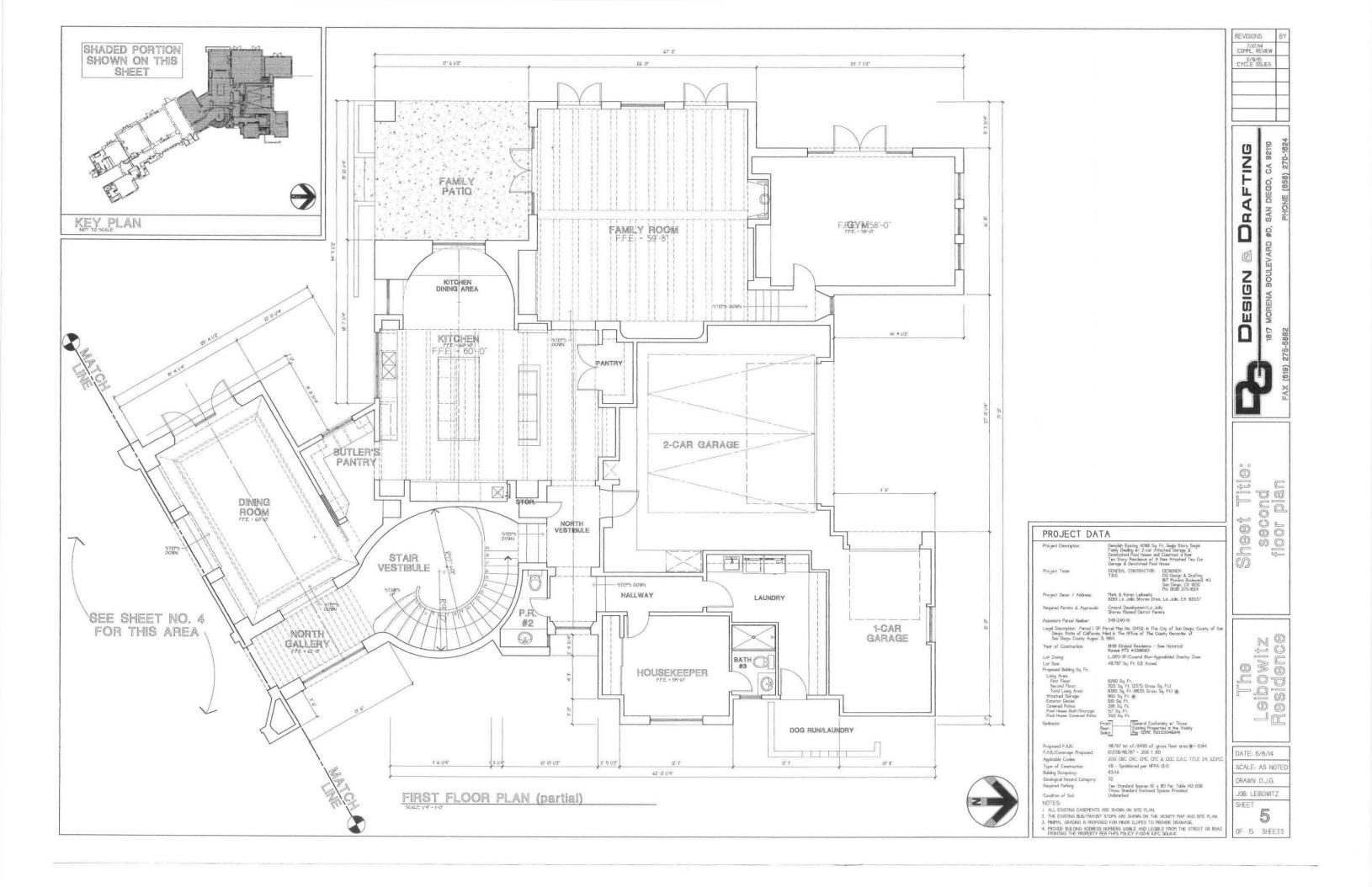
1. MINIMAL GRADING IS PROPOSED FOR MINOR SLOPES TO PROVIDE DRAMAGE.

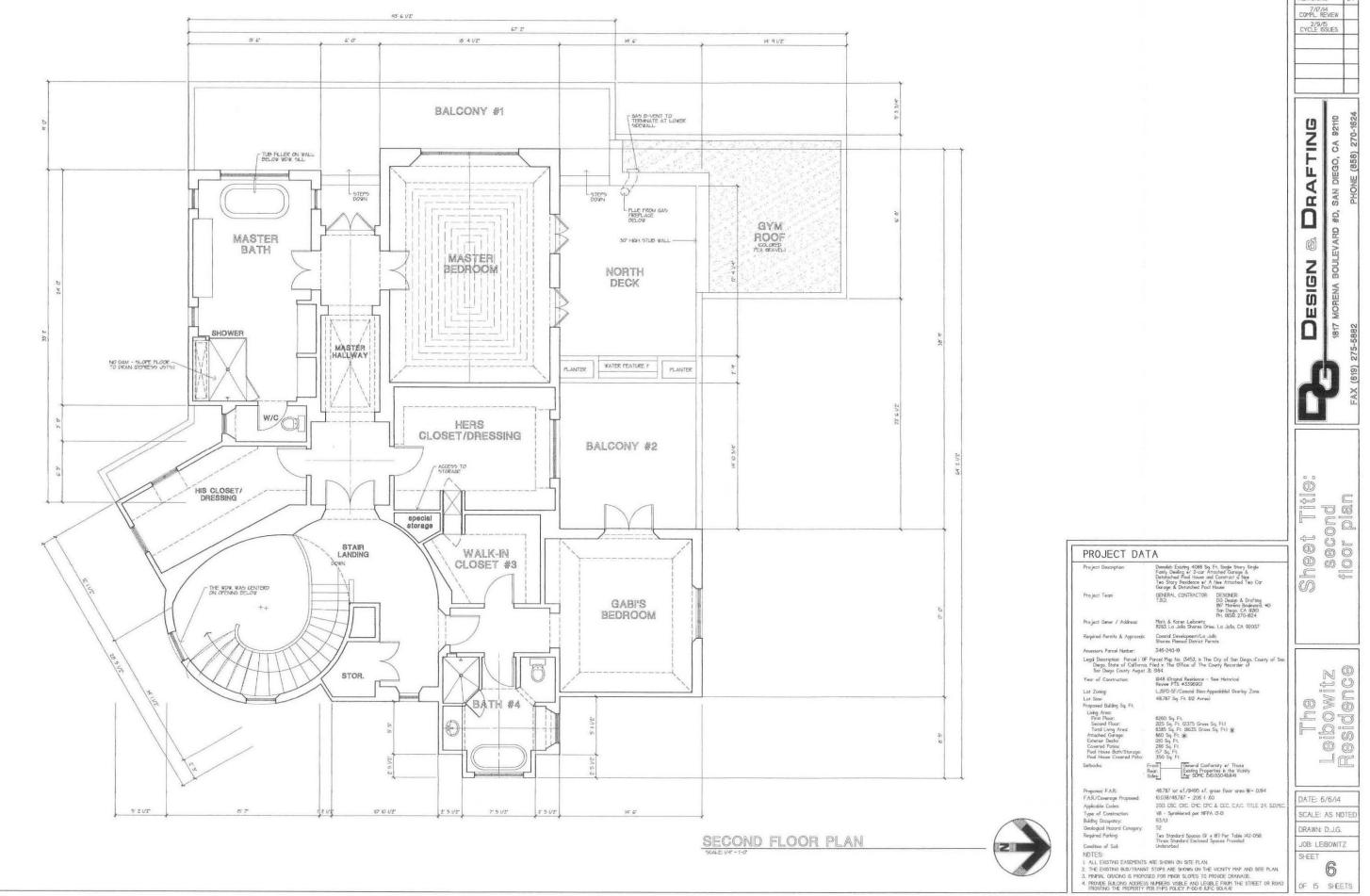
PROVIDE BULDING ADDRESS NUMBERS VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-CO-6 IUFC 9014.4)

SHEET NO. 2 OF 15

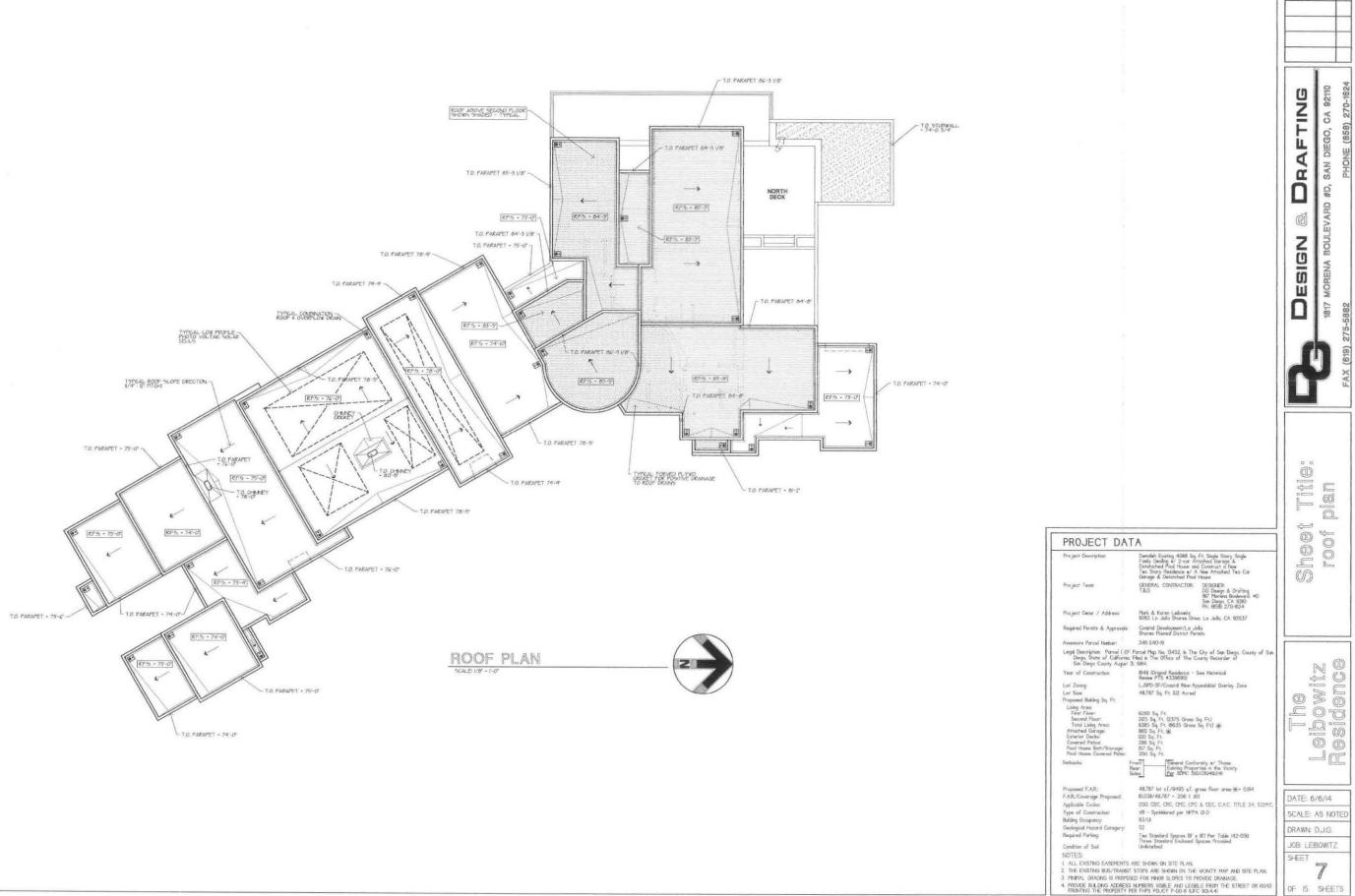




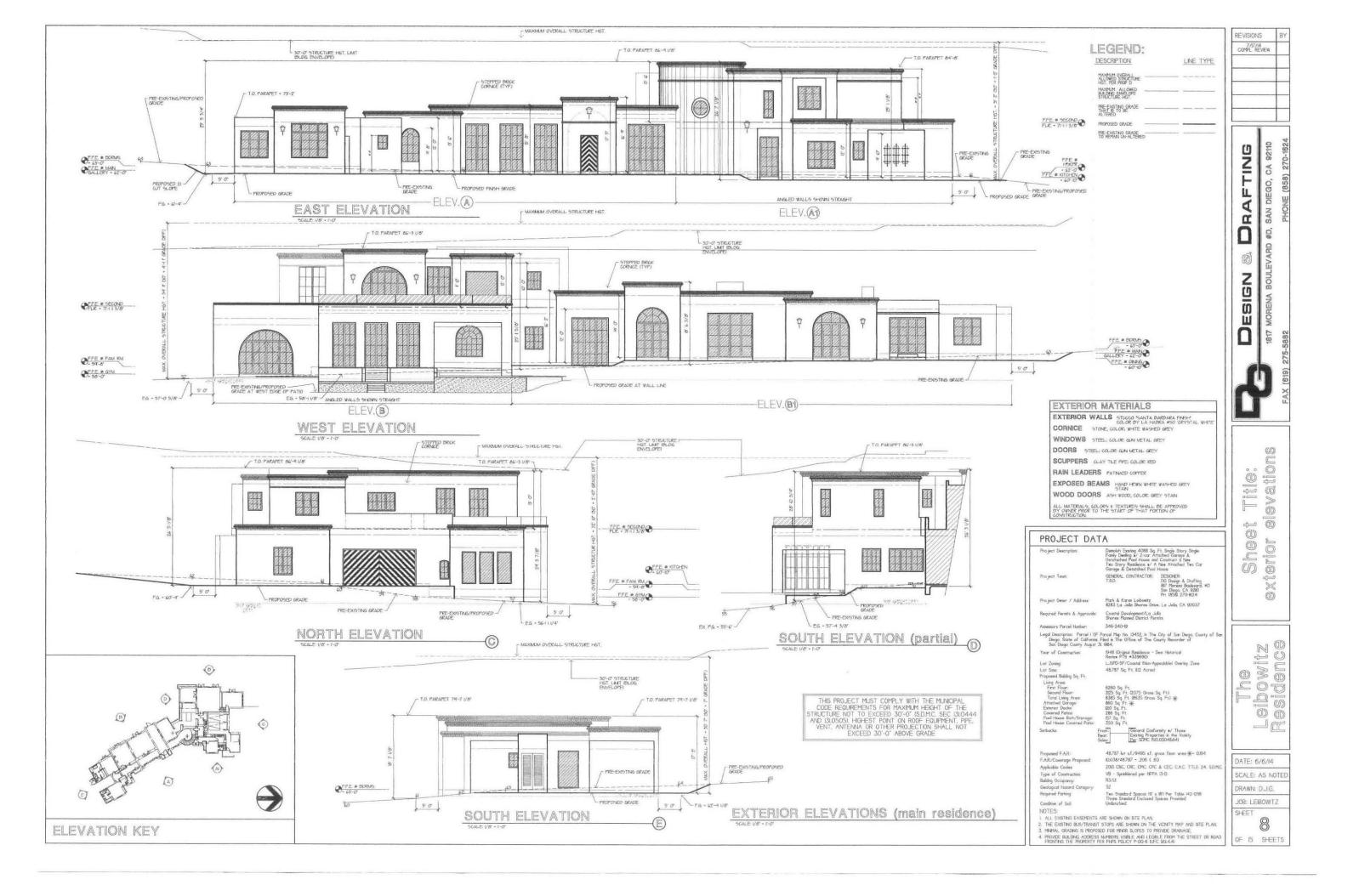


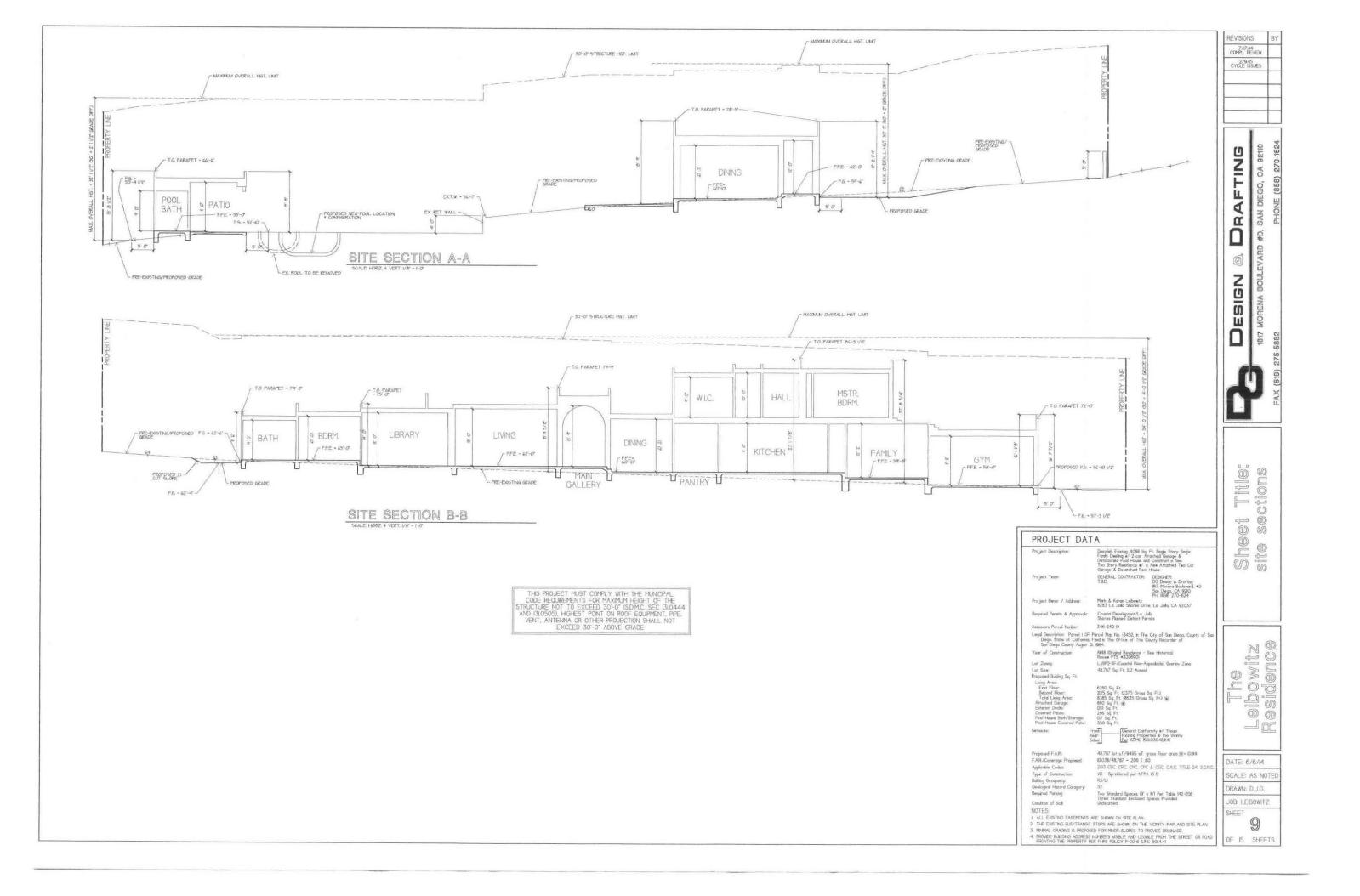


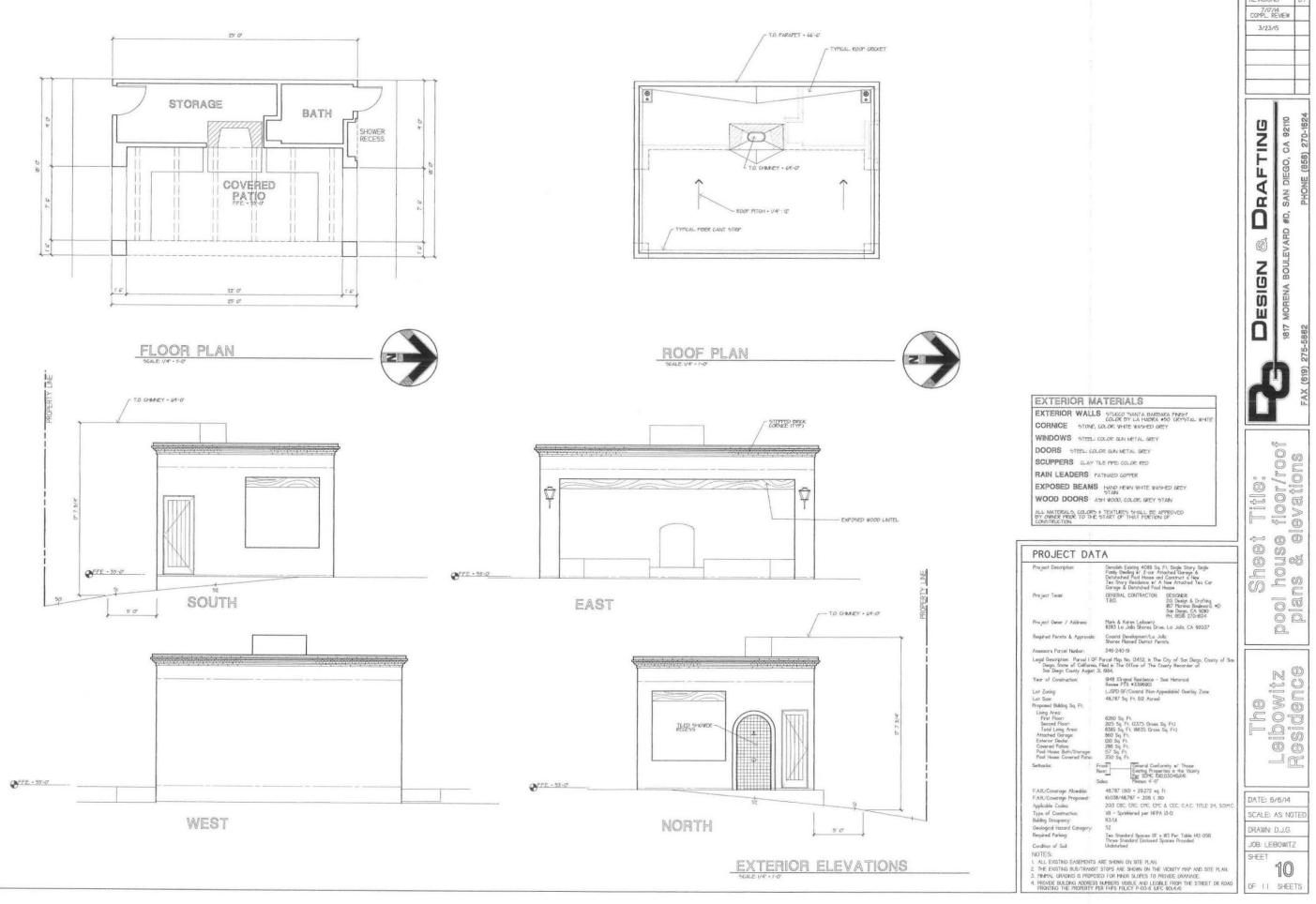
REVISIONS



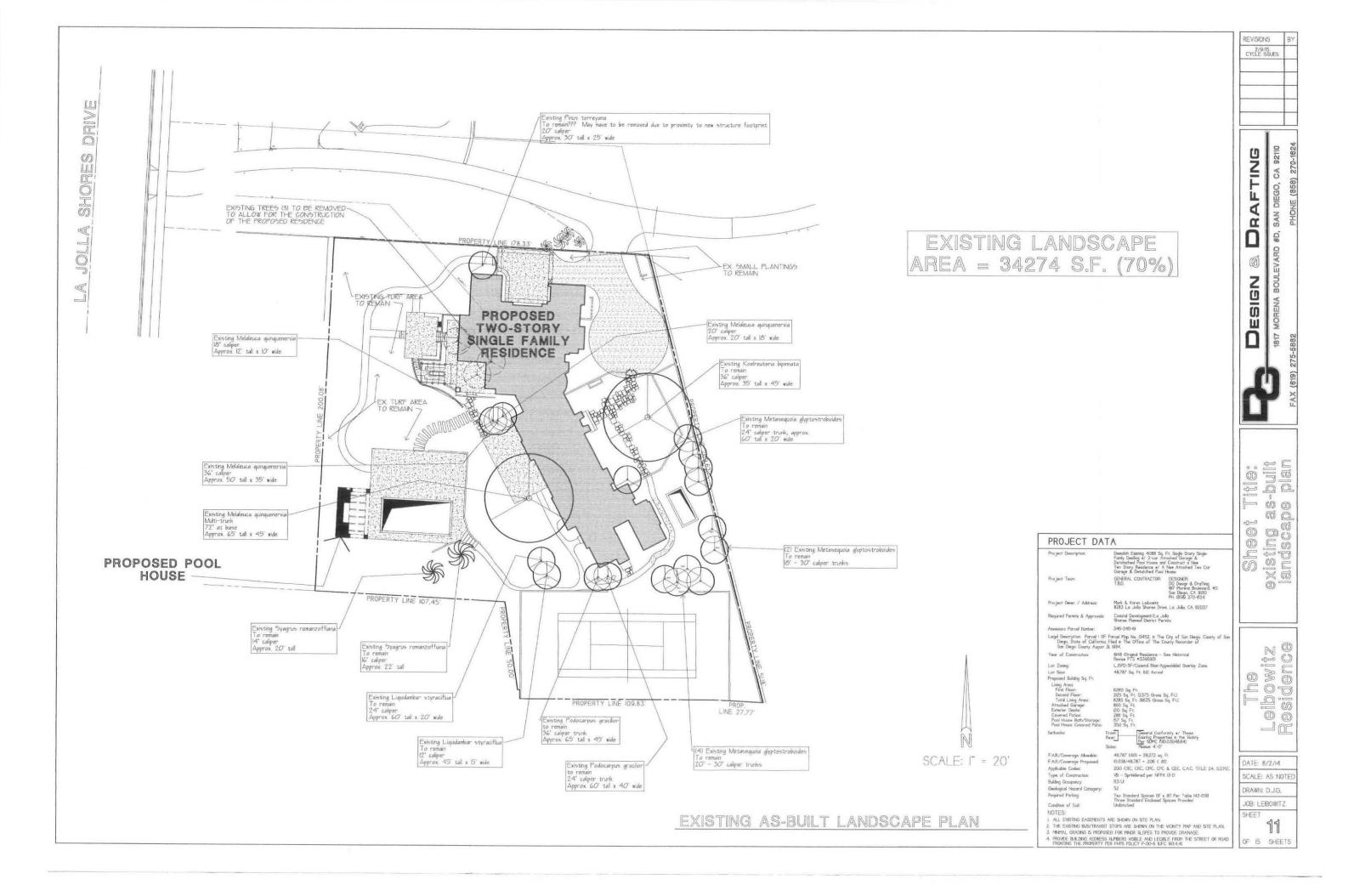
REVISIONS 7/17/14 COMPL REVIEW 2/9/15 CYCLE ISSUES

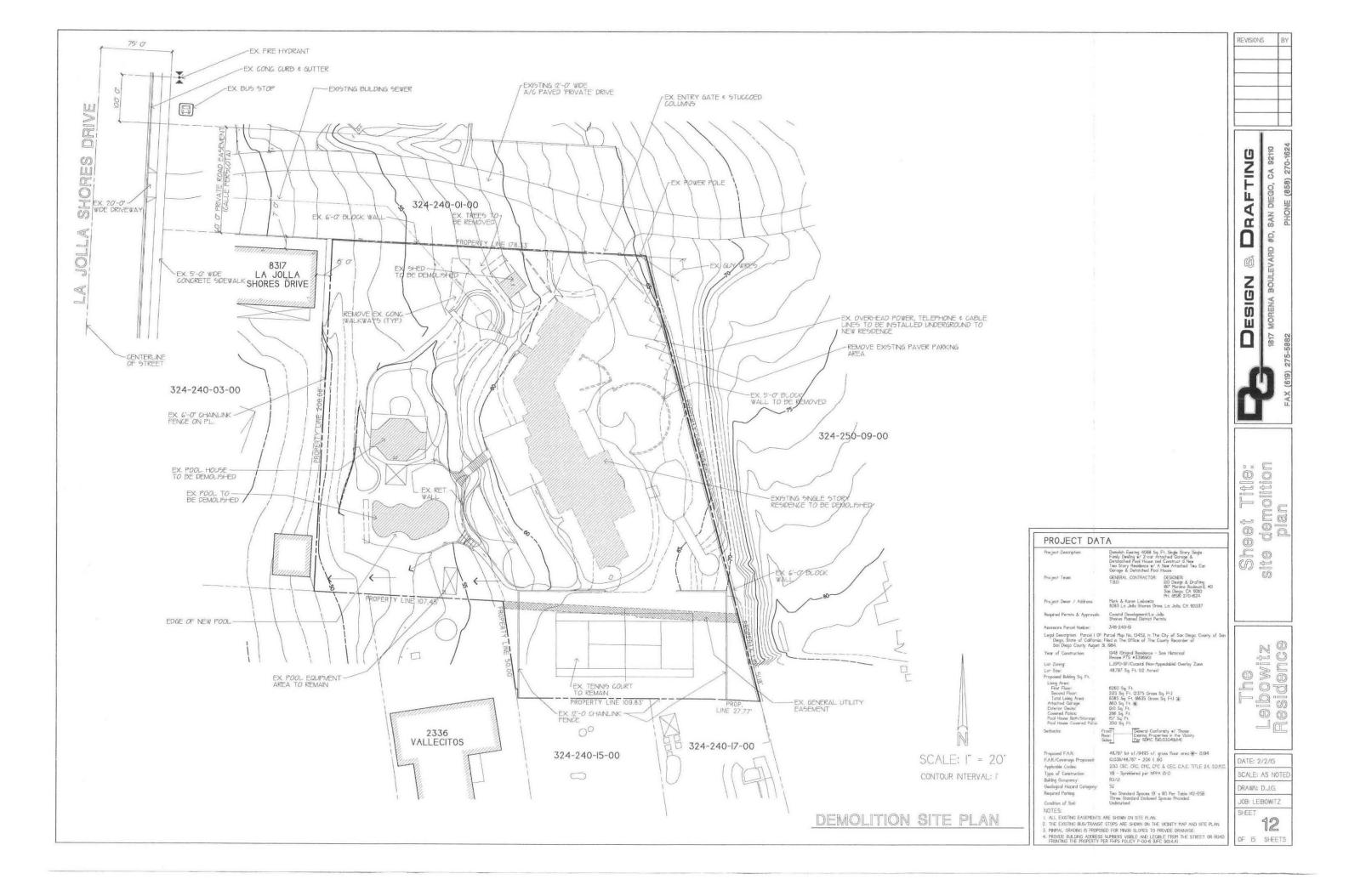


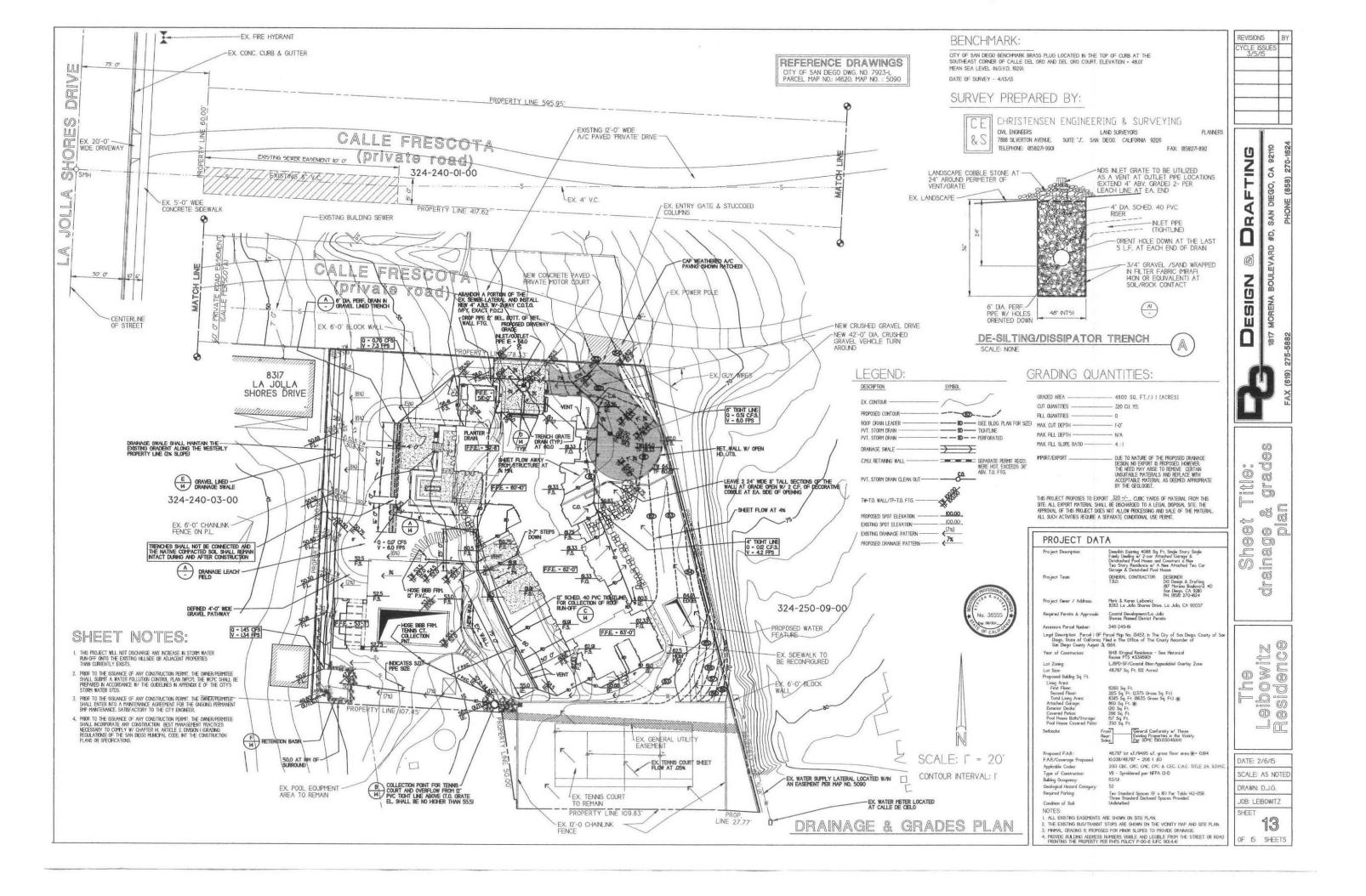


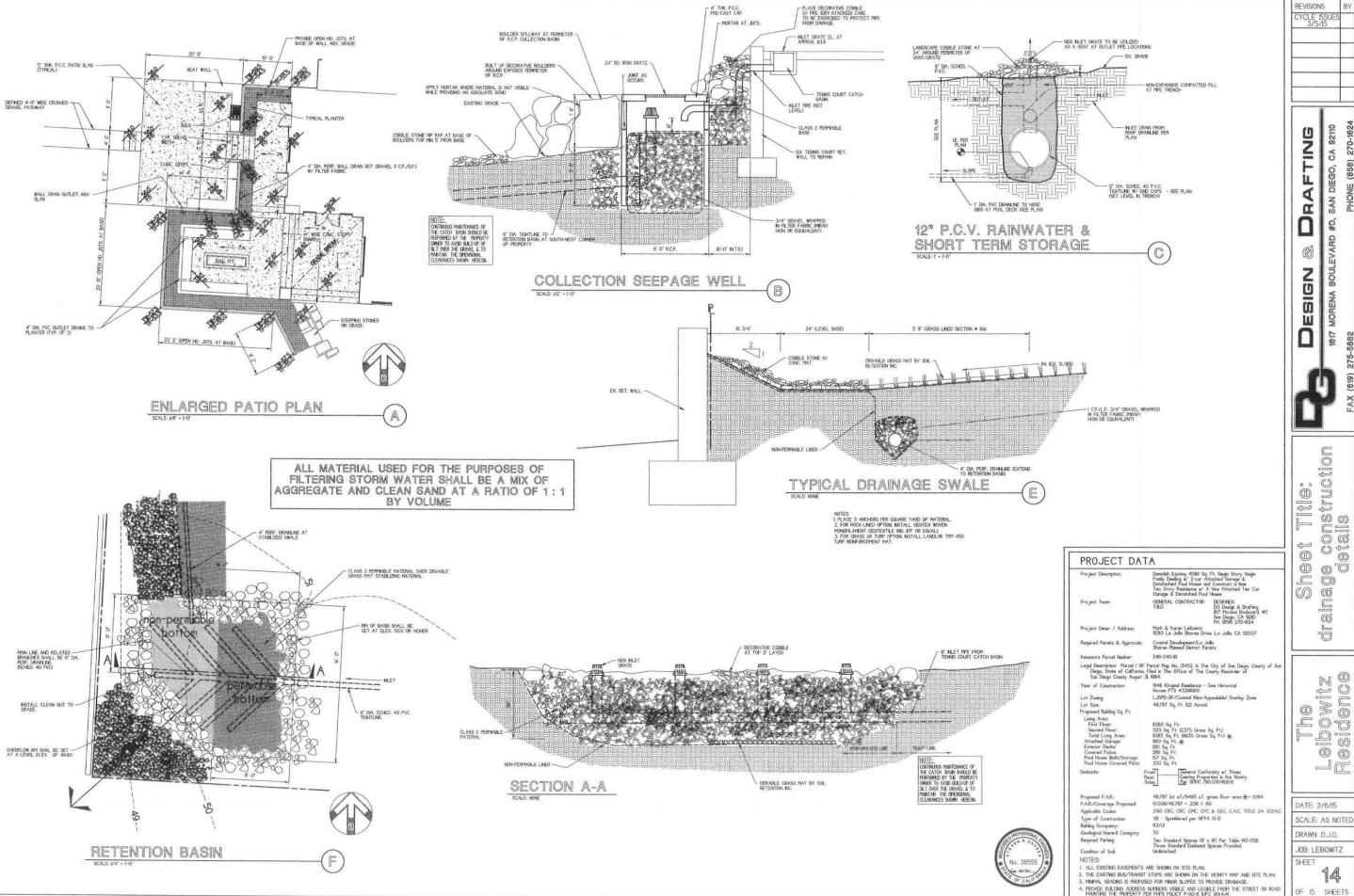


REVISIONS









ne witz lence Č O Ž 

SCALE: AS NOTED DRAWN: D.J.G.

JOB: LEIBOWITZ

OF IS SHEETS

