



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 8, 2008 **REPORT NO.** PC-08-051
ATTENTION: Planning Commission, Agenda of May 22, 2008
SUBJECT: BIRD ROCK MIXED USE, PROJECT NO. 87287, PROCESS 4
OWNER Michael and Olga Krambs
APPLICANT: Mark D. Lyon & Associates

SUMMARY

Issue(s): Should the Planning Commission approve a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and 7 commercial units, two levels of subterranean parking and a loading area, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 87287 and **Adopt** associated Mitigation, Monitoring, and Reporting Program; and
2. **Approve:** Coastal Development Permit No. 277553; and
3. **Approve:** Site Development Permit No. 279442; and
4. **Approve:** Planned Development Permit No. 546450; and
5. **Approve:** Tentative Map No. 361919.

Community Planning Group Recommendation: On February 1, 2007, the La Jolla Community Planning Association (LJCPA) voted 8-1-2 "To deny the 'old design' because the findings for the P.D.P. (Planned Development Permit) cannot be made, and direct the applicant to go back to the Community to complete the 'new design' and bring it back to the C.P.A." The LJCPA's action was on an original design that was in accordance with the Planned District Ordinance. The LJCPA reviewed a draft of the new design and then asked

that the new design be based on new “Form-Based” concepts. The Bird Rock community subsequently rejected this new design in several meetings on the project. Furthermore, the “Form-Based” concepts have not been formally adopted. Therefore, as a result of the Bird Rock community rejection of the new, “Form-Based” design, and its non-adoption, the applicant has now completed a redesign that meets the requirements of the Land Development Code (LDC), and elected to not return for another recommendation vote from the LJCPA.

Environmental Review: The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration in accordance with the State of California CEQA Guidelines. Mitigation measures have been included for paleontological resources and transportation, which will reduce to below a level of significance, any potential adverse impacts to these resources.

Fiscal Impact Statement: None with this project.

Code Enforcement Impact: None with this project.

Housing Impact Statement: The proposed project will add an additional 11 residential units to the La Jolla Community Plan area. The applicant will be paying an in lieu fee to meet the Inclusionary Housing Ordinance requirements.

BACKGROUND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The site is designated for Neighborhood Commercial land use. The project site is on the southeast corner of La Jolla Boulevard and Bird Rock Avenue, and has single family residential to the west, multi-family residential to the north, and commercial to the south and east. The Pacific Ocean is three blocks to the west of the project site.

The project site was formerly developed with a retail gasoline service station, which included three underground storage tanks, one underground waste oil storage tank, an above-ground waste oil tank and two fuel pump islands. The oil storage tanks were removed and soil testing was conducted. No significant volume of remaining used oil-impacted soil was found. However, it is anticipated that excavation for the project will encounter pollutants associated with the underground gasoline storage tanks. Extensive monitoring, removal and disposal activities would occur if the project were to be approved and constructed. An Interim Remedial Action Plan has been received by the County of San Diego, Department of Environmental Health, Site Assessment Mitigation Program for the project, and was approved after a public participation process was completed. Staff has received a letter of concurrence on the project from the County Department of Health and has no further issues on the storage tank or soil contamination issues. The Mitigated Negative Declaration for the project discusses these issues in greater detail.

On December 11, 2005, the applicant submitted the project to Development Services for initial review. On December 15, 2005, the applicant met with the Bird Rock Community Council to present the project and discuss community issues and concerns. The project was presented as a three-story, mixed-use project. The La Jolla Planned District Ordinance requires projects in the Bird Rock area not exceed two stories. Further presentations were then made to the Bird Rock Community Council and Coastal Development Permit subcommittee of the La Jolla Community Planning Association.

On January 30, 2007, the Coastal Development Permit Committee of the La Jolla Community Planning Association approved a design adhering to the La Jolla Planned District Ordinance. On February 1, 2007, the La Jolla Community Planning Association voted to deny the project and advised the applicant to redesign the project following "Form-Based Zoning" guidelines and return to the group for another vote. Form-Based Zoning is land development regulation that emphasizes the future physical form of the built environment, the design and form of the buildings and public space, with less emphasis on the uses inside the buildings. In a departure from design guidelines, Form Based Codes regulate rather than recommend or advise, prescribing what's desired or needed rather than proscribing what is prohibited.

Before returning to the La Jolla Community Planning Association, the applicant returned to the Bird Rock Community Council for several meetings to gather input on a Form-Based project. On March 20, 2007, a community gathering of nearly 100 listened to a final presentation by the consultants. The applicant summarized the efforts of past several months and the meeting concluded with 28 in favor of the Form-Based project and 38 opposed to the Form-Based project.

As a result of the mixed input from the community, the applicant is now proposing a design meeting Land Development Code Requirements and the intent of some of the Form-Based concepts, while adhering as much as possible to the existing La Jolla Planned Development Ordinance. The resultant project is before the Planning Commission for consideration.

DISCUSSION

Project Description:

The proposed three-story, mixed-use, residential and commercial project would include balconies, archways, building articulation, open space for walkways, a varied roof line, and a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped trellises (Attachment 5). The third story portions of the development are set back away from La Jolla Boulevard, presenting a two-story appearance at the sidewalk level. The three-story aspect of the project allows the proposed 1.27 Floor Area Ratio to be spread throughout the development, creating the opportunity for additional the open spaces and added landscaping. The surrounding area is fully developed with residential and commercial uses. There is mixed-use, residential commercial to the north, east and south, and single family residential to the west. There are also three-story developments in the area, including the Seahaus Condominiums project to the south. La Jolla Boulevard has also been undergoing improvements, including the installation of roundabouts at several intersections.

The project is located in the Coastal Overlay Zone and, therefore requires a Coastal Development Permit. Section 159.0205 of the San Diego Municipal Code also requires that projects subject to the requirements of a Planned District Ordinance such as the La Jolla PDO, obtain a Site Development Permit. Due to the requested deviations, the project is also required to obtain a Planned Development Permit.

Community Plan Analysis:

The proposed Bird Rock Mixed Use project is located at 5702 La Jolla Boulevard, on a parcel that is designated for commercial use. The proposed project will include 11 residential units, and 7 commercial units on a 16,080 square-foot lot. The proposed use is consistent with the land use designation. The La Jolla Community Plan recommends for commercial uses developed along La Jolla Boulevard to be developed in a traditional boulevard manner with street trees and median landscaping. The community plan also recommends that new structures located along this retail district include mixed-use residential/commercial uses to provide opportunities for more affordable housing in La Jolla. The proposed project is not including affordable housing on site, and will be paying an in lieu fee to meet the Inclusionary Housing Ordinance requirements.

The community plan also recommends for new projects to enhance the sidewalks with decorative or uniform paving to enhance the streetscape. Median landscaping should also be included. La Jolla Boulevard is being enhanced to include median landscaping and sidewalk improvements to include additional landscaping and street lights. The community plan further recommends providing decorative lighting, street trees, benches and other pedestrian amenities to create a stronger pedestrian-oriented image to this commercial district. To implement Plan recommendations, the proposed project includes a public plaza at the corner of La Jolla Boulevard and Bird Rock Avenue. It includes a fountain, benches, trellises, and enhanced paving. The building facades are articulated with the upper stories set back from the ground floor façade and include balconies and archways integrated into the architecture. The community plan also recommends that the proposed project be designed in a pedestrian-oriented manner. The project includes jacaranda trees for street trees to be located adjacent to the curb.

The Community Plan also recommends that projects make available information on energy efficient appliances and technology in marketing materials and within sales offices in order to promote energy savings. For mixed-use projects, either provide or offer as an option, alternative energy technologies to be incorporated into the residences during construction in order to promote energy savings. The proposed project would include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's energy consumption, as established by Council Policy 900-14.

The La Jolla Community Plan identifies (in Appendix G on the Coastal Access Subarea Maps pages 183-5) physical and visual access to the ocean. This site is located on those maps and Bird Rock Avenue is identified as having a view corridor to the ocean, passing westward to the ocean on the south side of the site. The proposed development would not impair the visual access to the ocean as it respects the street yard setbacks as required by the Land Development Code. There is also a view cone identified in the Community Plan (Figure 9 Identified Public Vantage Points) at the westerly end of Bird Rock Avenue, but the view cone is not affected by the location of the

proposed new structure.

Environmental Analysis:

Environmental analysis of the project reviewed for possible impact to Paleontological Resources, Transportation, Human Health, Public Safety, Hazardous Materials, Geology and Visual Quality. Mitigation measures have been included to monitor construction activities that would reduce any of these potential impacts to Paleontological Resources to below a level of significance. Regarding Transportation impacts, conditions are included in the Mitigation, Monitoring and Reporting Program that would ensure the construction of a traffic signal at the intersection of La Jolla Boulevard and Forward Street, and the applicant would be required to provide a fair-share contribution along the project's frontage for the proposed roundabout at the intersection of La Jolla Boulevard and Bird Rock Avenue. No significant impacts are expected within the Human Health, Public Safety, Hazardous Materials, Geology and Visual Quality categories, and, therefore, no mitigation is proposed for those issue areas.

Project-Related Issues:

The project has applied for a Planned Development Permit for two deviations to the La Jolla Planned District Ordinance (LJPDO). The project is proposing a development with portions at three stories where the LJPDO calls for two, and the proposal includes taking parking access off of Bird Rock Avenue, where the LJPDO indicates the access should be taken from the abutting alley.

Discussion of Deviations

Number of Stories Deviation

As proposed, the project would deviate from the La Jolla Planned District Ordinance Zone 4 requirement to not exceed two stories. The LJPDO indicates a 30-foot height limit on any structure and then states:

“In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766 on file in the office of the City Clerk, shall be limited to structures containing a maximum of two stories: ...All portions of Zone 4.”

As the project site is located in Zone 4, the restriction would apply. The applicant is proposing three stories for portions of the residential units included in the mixed used project. All of the proposed three-story element would be set back from the first two floors and not create a three-story wall at the front of the project. The project would not exceed the maximum 30-foot height limit. The project's proposed 1.27 Floor Area Ratio (FAR) would not exceed the maximum 1.30 FAR allowed for the site. The proposed design would distribute the project's FAR over three floors, allowing for better articulation and visual interest. As the FAR for this project would remain the same whether or not a third story is constructed, the inclusion of a third story would not result in traffic impacts. The project would include a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped

trellises and a varied structural appearance. The development would also include varied structure heights, archways on the ground floor and balconies. If the project were held to the two-story limit, these features would not be possible to the same extent, and a more box-like, bulkier building would result. The proposed deviation also allows for more open spaces within and around the development, and also allows for more opportunities for landscaping treatments. These additions would soften blank walls and other bulky attributes.

The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the La Jolla Community Plan. The proposed development would also comply with the applicable development regulations of the Land Development Code, including deviations permitted as a part of the discretionary entitlement process through a Planned Development Permit.

Page 104, of the La Jolla Community Plan, calls for the Bird Rock area to have mixed-use residential/commercial development, and enhanced sidewalks with decorative/uniform paving, street trees, benches and other amenities. The purpose is to create a stronger pedestrian-oriented image to the Bird Rock commercial district. The project is proposing a mixed-use development with 11 residential units and 7 commercial units. The proposed public plaza would include the enhanced sidewalk paving benches, trellises and landscaping as mentioned above, all helping to create a more pedestrian-oriented area.

Parking Access Deviation

Municipal Code Section 142.0560(j)(7) (Parking Access required off of the Alley) requires a project take access to parking from an abutting alley if one exists. The project site abuts an alley to the west between La Jolla Boulevard and Chelsea Avenue. The alley is substandard at 15 feet in width. As part of this permit application, the City has required that the applicant dedicate two and one half feet of land on the project side of the alley. This would bring the alley to 17.5 feet, but would still be substandard until a like dedication could occur on the west side of the alley and, therefore, project access is not as suitable at the alley location.

Turning movements would be compromised and could cause conflicts with adjacent residences using the alley for auto access to and from their homes. The LJPDO also prohibits a driveway on La Jolla Boulevard. The applicant is proposing the driveway on Bird Rock Avenue, but has located it as far west of La Jolla Boulevard as possible. This would reduce any potential parking access queue conflicts with La Jolla Boulevard.

Views

The La Jolla Community Plan identifies a public view corridor along Bird Rock Avenue, immediately south and to the west of the project site. The La Jolla Community Plan defines a View Corridor as an unobstructed frame view down a public right-of-way. The La Jolla Community Plan requires that public views to the ocean be protected. The westernmost end of Bird Rock Avenue is also identified as a View Cone, which is defined by a 90 degree angle

radiating lines from a public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each property closest to the ocean or shoreline. All View Cones are directed towards a coastal body of water. The identified View Cone is located three blocks east of the project site, and, therefore, would not be affected by the proposed development. Regarding the View Corridor, staff review of the project concluded that the proposed project would be in compliance with the requirements of the underlying zone regarding heights and setbacks, and the height, bulk and scale of the project would not impact the view corridor.

Conclusion:

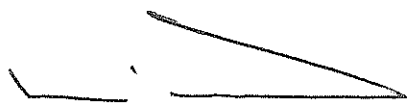
The proposed development was analyzed for conformance with the relevant regulations of the underlying zone and found to be in compliance with those regulations as permitted through the Planned Development Permit process. Staff considered the requested deviations and determined that they contribute to a better overall project design and provide flexibility to include pedestrian and landscaping amenities consistent with the community plan goals. The proposed development would significantly improve the existing site conditions, and visually enhance the site and the immediate neighborhood. The project implements the goals of the La Jolla Community Plan and the Progress Guide and General Plan as described in this report. Staff recommends approval of the project.

The two Planned District Ordinance deviations requested are a curb cut and access along Bird Rock Avenue and the proposal to have three stories instead of two stories. Staff has reviewed the proposed project and reviewed for consistency with the La Jolla Community Plan, and including the two requested deviations, finds the project to implement the community plan.


ALTERNATIVES

1. **Approve** Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450, and Tentative Map No. 361919, **with modifications.**
2. **Deny** Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450, and Tentative Map No. 361919, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Morris E. Dye
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Tentative Map
7. Draft Map Conditions and Subdivision Resolution
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Copy of Prior Permit
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology

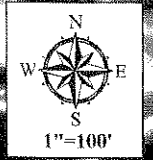
e:\birdrock\birdrockreport.doc



AERIAL MAP

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

Map Document: C:\GIS\GIS\working_Polices\Icons\41252_41252.aerial.mxd
11/07/2009 10:07:16 PM

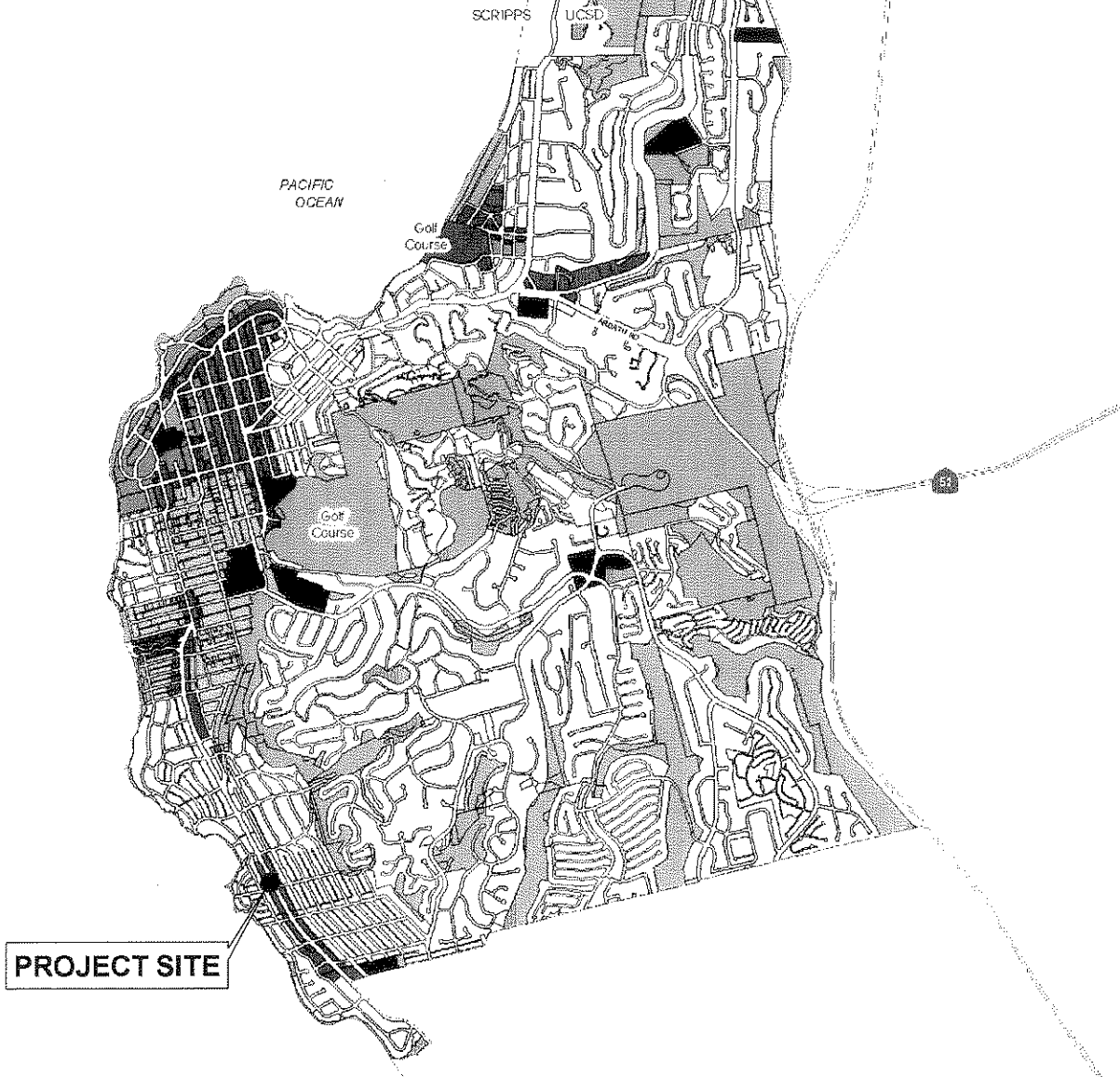


THIS MAP IS PROVIDED AS A SERVICE TO THE CITY OF SAN DIEGO. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.



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 (15-30 DU/AC)
- Medium High Residential (30-45 DU/AC)
- Commercial/Mixed Use
- Parks, Open Space
- Schools
- Cultural
- Community Facilities



Community Land Use Map



La Jolla Community Plan
 City of San Diego · Planning Department

Figure 1

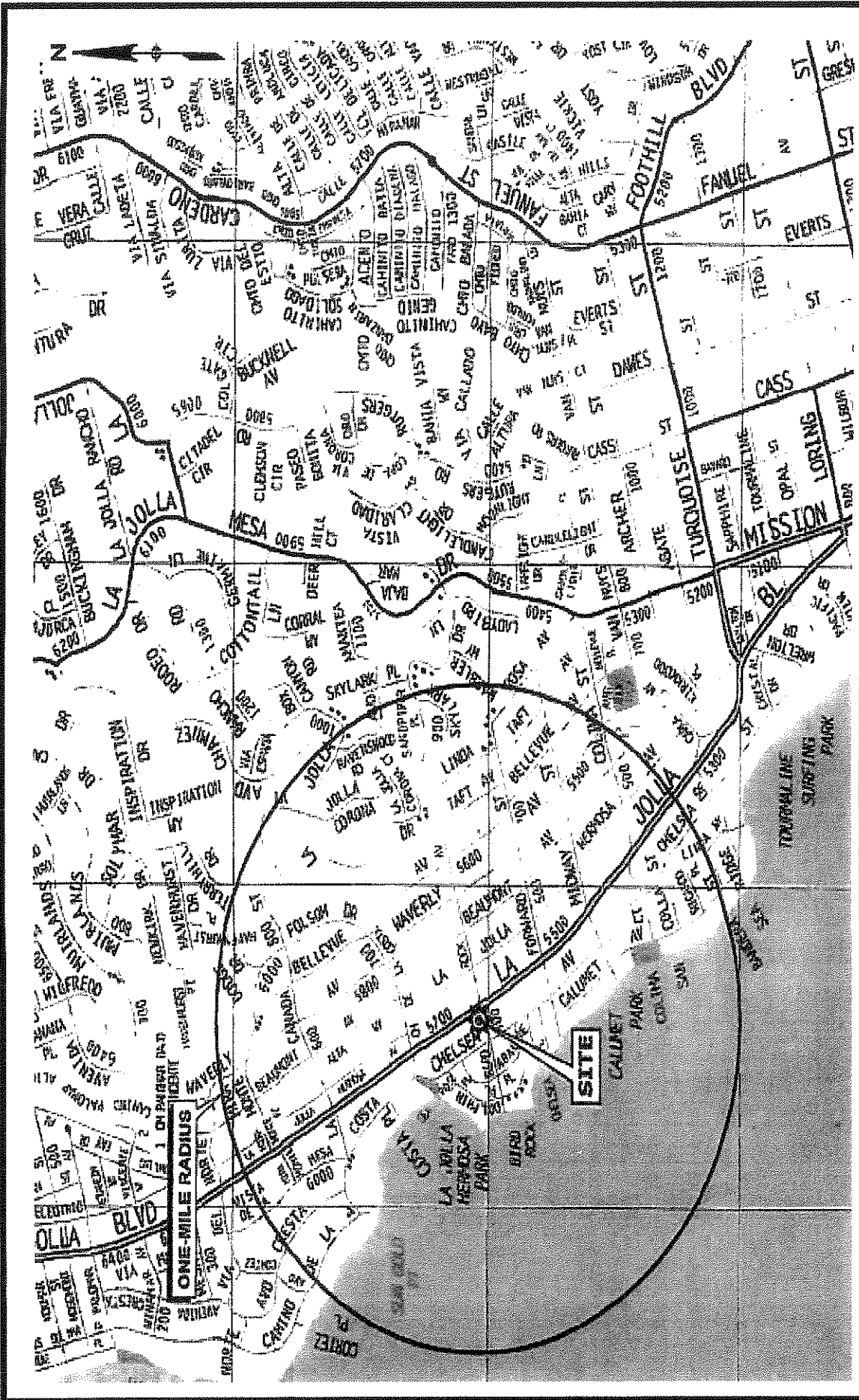
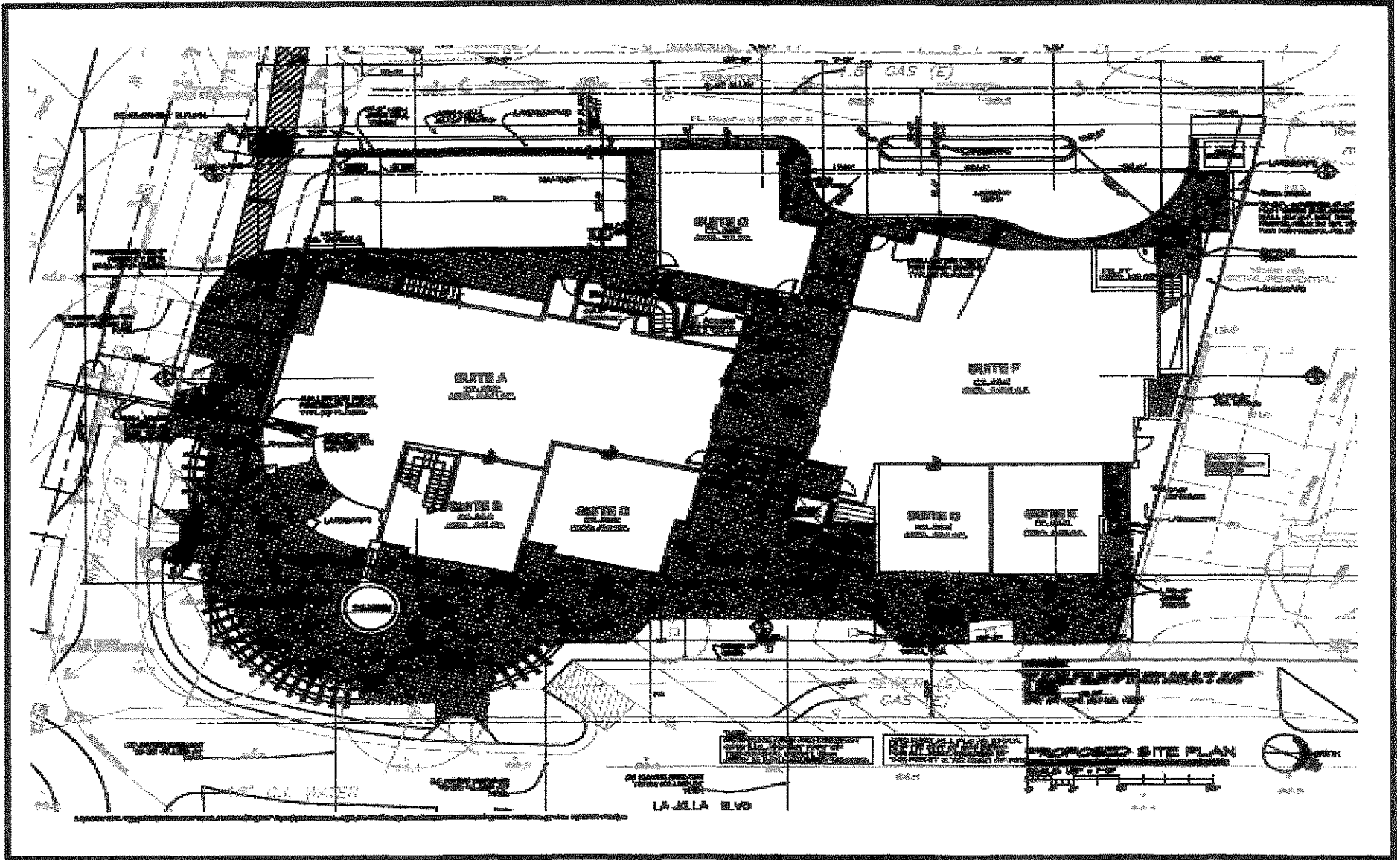


FIGURE
1

Location Map
 Bird Rock Mixed Use
 City of San Diego – Development Services Department
 Project No. 87287





Site Plan

Bird Rock Mixed Use

Project No. 87287

City of San Diego – Development Services Department

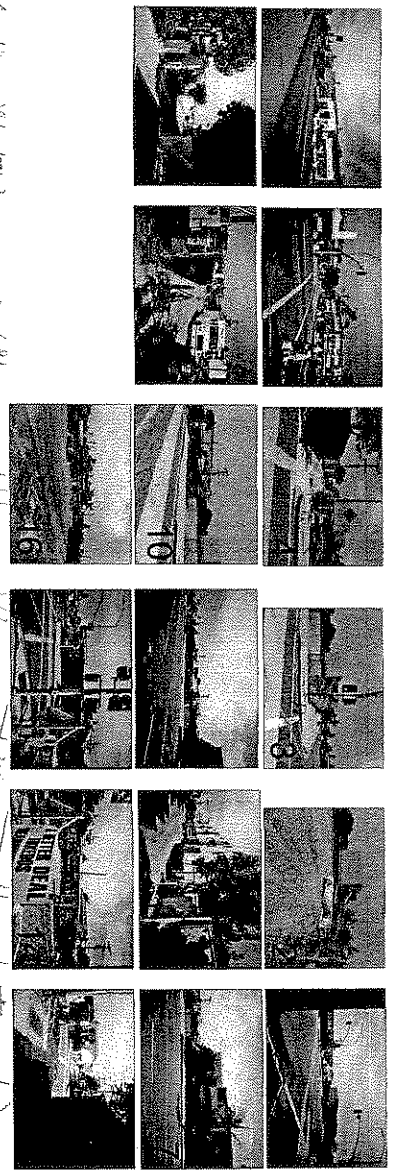
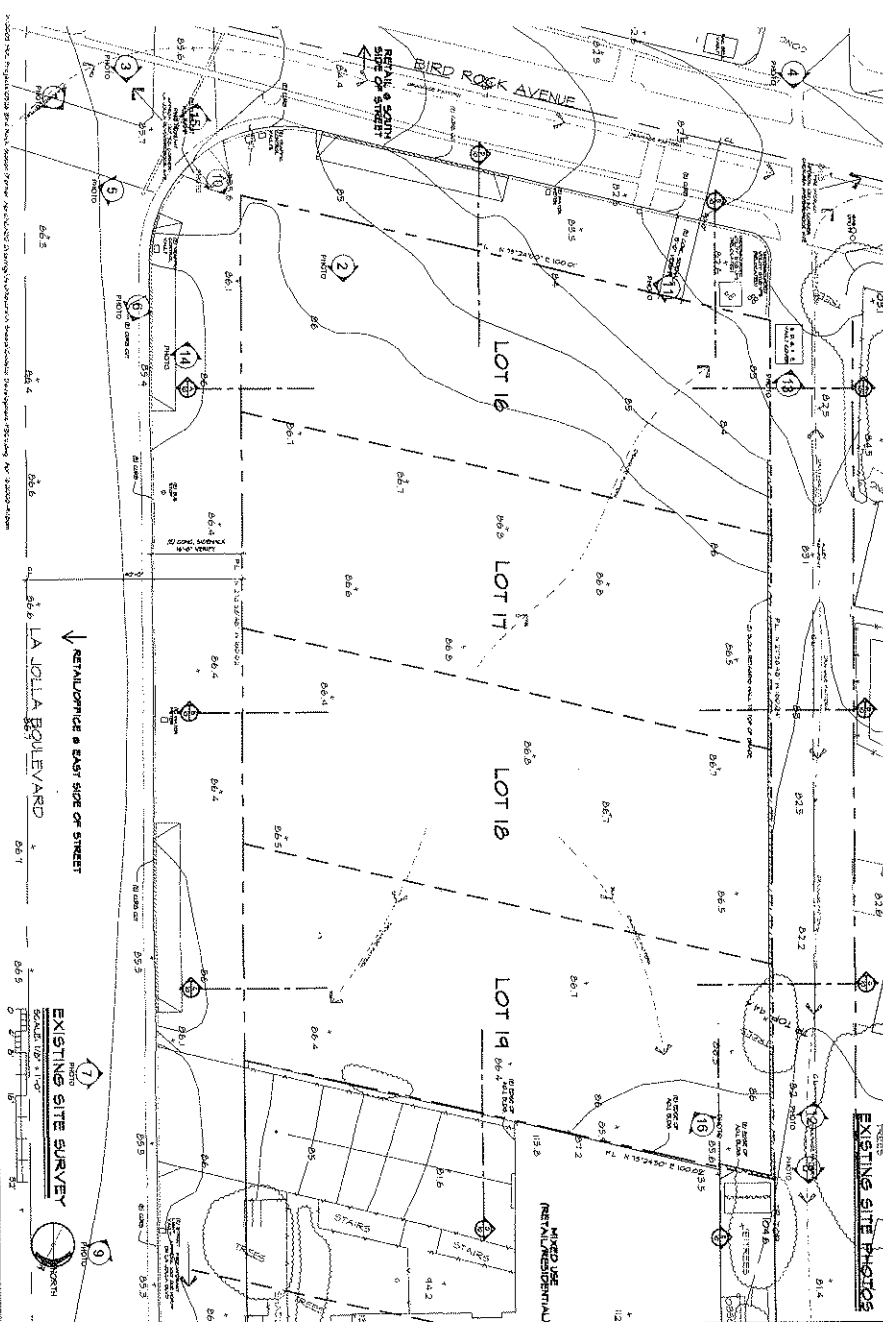
FIGURE

2

PROJECT DATA SHEET

PROJECT NAME:	BIRD ROCK STATION	
PROJECT DESCRIPTION:	Coastal Development Permit, Site Development Permit, and Planned Development Permit, and Tentative Map (Amendment to CDP 98-0366) to construct a 3-story (over basement parking), 20,507 square foot mixed-use structure and associated public and private improvements. The project will contain 7 commercial condominium units totaling 9,127 square feet and 11 residential condominium units totaling 11,380 square feet.	
COMMUNITY PLAN AREA:	La Jolla Community Plan and Local Coastal Program	
DISCRETIONARY ACTIONS:	Coastal Development Permit, Site Development Permit, and Planned Development Permit, and Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial / Mixed Use	
<u>ZONING INFORMATION:</u>		
ZONE: Zone 4 of the La Jolla Planned District		
HEIGHT LIMIT: Max: 30' / 2 Stories Proposed: 30' / 3 Stories		
LOT SIZE: 16,080 square feet		
FLOOR AREA RATIO: Maximum: 1.30 (20,904sf) Proposed: 1.27 (20,507sf)		
FRONT SETBACK: Minimum: 0' Proposed: 0'		
SIDE SETBACK: Minimum: 0 Proposed: 0'		
STREETSIDE SETBACK: Minimum: 0' Proposed: 0'		
REAR SETBACK: Minimum: 0' Proposed: 2.5'		
PARKING:		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial / Mixed Use; LJPDO Zone 4	Mixed Use
SOUTH:	Commercial / Mixed Use; LJPDO Zone 4	Commercial
EAST:	Commercial / Mixed Use; LJPDO Zone 4	Commercial
WEST:	Low-Density Residential (5-9 DU/Ac.); RS-1-7	Single-Family Residential
DEVIATIONS OR	Proposed 3-Story structure where 2 Stories is the maximum	

VARIANCES REQUESTED:	per SDMC Sec. 159.0307(d)(2)(B); Parking will not be accessible from the alley as required by SDMC Sec. 142.0560(j)(7).
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 1, 2007, the La Jolla Community Planning Association voted 8-1-2 to deny the “old design” because the findings for the Planned Development Permit cannot be made, and direct the applicant to go back to the Community to complete the “new design” and bring it back to the La Jolla Community Planning Association.



EXISTING SITE SURVEY

SCALE: 1/8" = 1'-0"

DATE: 10/1/07

BY: M.D. LYON

PROJECT: BIRD ROCK STATION

CLIENT: CITY OF SAN DIEGO

1

PROPOSED USE: RETAIL/COMMERCIAL

PROPOSED DEVELOPMENT:

- 1. Proposed Building
- 2. Proposed Stairs
- 3. Proposed Utility Lines
- 4. Proposed Site Grading
- 5. Proposed Site Lighting
- 6. Proposed Site Fencing
- 7. Proposed Site Landscaping
- 8. Proposed Site Paving
- 9. Proposed Site Signage
- 10. Proposed Site Security
- 11. Proposed Site Access
- 12. Proposed Site Erosion Control
- 13. Proposed Site Stormwater Management
- 14. Proposed Site Air Quality
- 15. Proposed Site Noise
- 16. Proposed Site Vibration
- 17. Proposed Site Seismicity
- 18. Proposed Site Cultural Resources
- 19. Proposed Site Paleontology
- 20. Proposed Site Archaeology
- 21. Proposed Site Paleontology
- 22. Proposed Site Archaeology

PROPOSED DEVELOPMENT:

PROPOSED BUILDING:

PROPOSED STAIRS:

PROPOSED UTILITY LINES:

PROPOSED SITE GRADING:

PROPOSED SITE LIGHTING:

PROPOSED SITE FENCING:

PROPOSED SITE LANDSCAPING:

PROPOSED SITE PAVING:

PROPOSED SITE SIGNAGE:

PROPOSED SITE SECURITY:

PROPOSED SITE ACCESS:

PROPOSED SITE EROSION CONTROL:

PROPOSED SITE STORMWATER MANAGEMENT:

PROPOSED SITE AIR QUALITY:

PROPOSED SITE NOISE:

PROPOSED SITE VIBRATION:

PROPOSED SITE SEISMICITY:

PROPOSED SITE CULTURAL RESOURCES:

PROPOSED SITE PALEONTOLOGY:

PROPOSED SITE ARCHAEOLOGY:

FORM BASED CODE DESIGN

BIRD ROCK STATION

5702 LA JOLLA BLVD.

LAJOLLA, CA. 92037

ARCHITECT: MARK D. LYON & ASSOCIATES, A.I.A.

410 BIRD ROCK AVE. 10891 459-1171 LA JOLLA, CA 92037

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
410 BIRD ROCK AVE., (858) 459-1171 LA JOLLA, CA 92037

FORM BASED CODE DESIGN
5702 LA JOLLA BLVD.
LA JOLLA, CA 92037

PROJECT: COASTAL
SUBJECT: 0524-RFC
DATE: 11 JULY 2007
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

PROPOSED 1st LEVEL RETAIL

PROJECT: 5702 LA JOLLA BLVD., LA JOLLA, CA 92037

DATE: 11 JULY 2007

SCALE: AS SHOWN

PROJECT NO.: 0524-RFC

DATE: 11 JULY 2007

SCALE: AS SHOWN

PROJECT: 5702 LA JOLLA BLVD., LA JOLLA, CA 92037

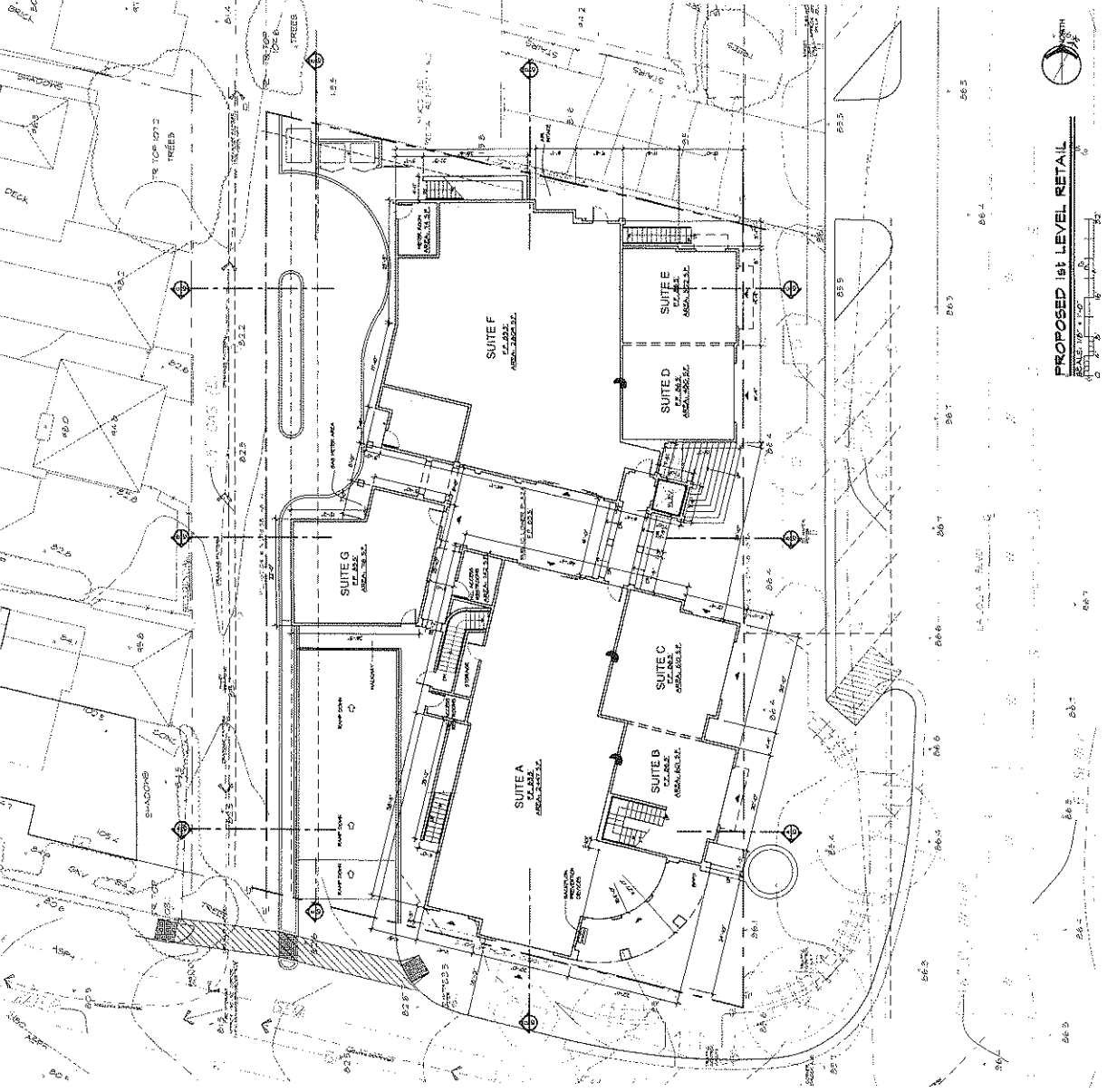
DATE: 11 JULY 2007

SCALE: AS SHOWN

PROJECT: 5702 LA JOLLA BLVD., LA JOLLA, CA 92037

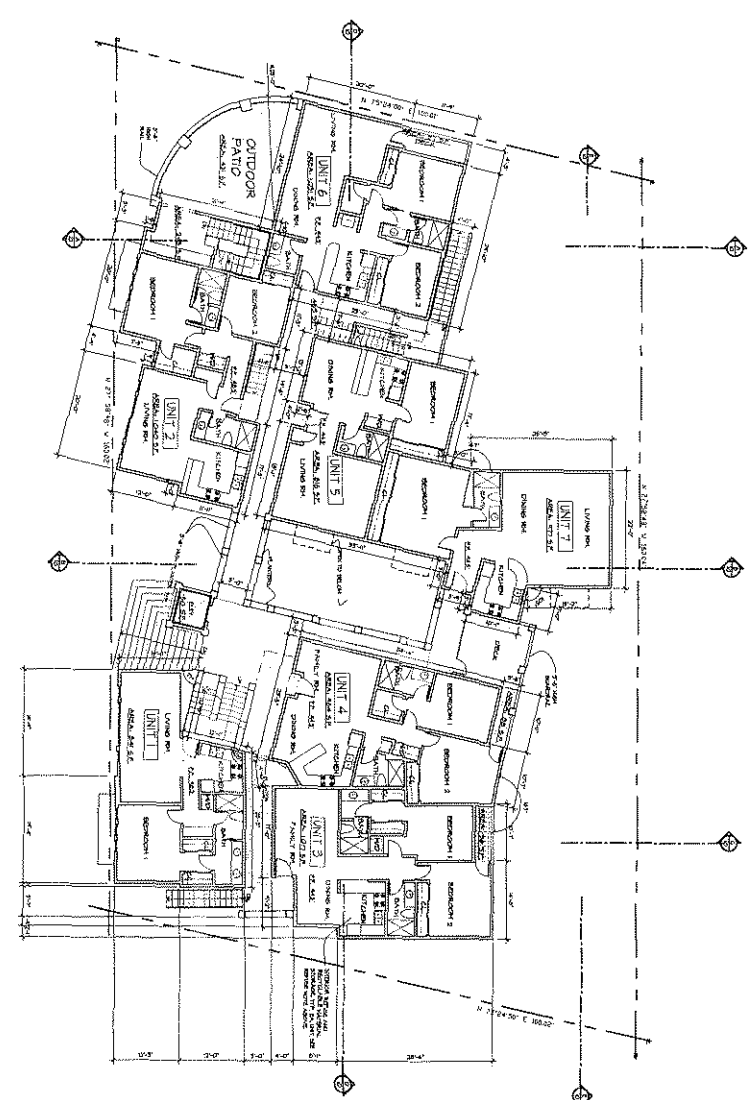
DATE: 11 JULY 2007

SCALE: AS SHOWN

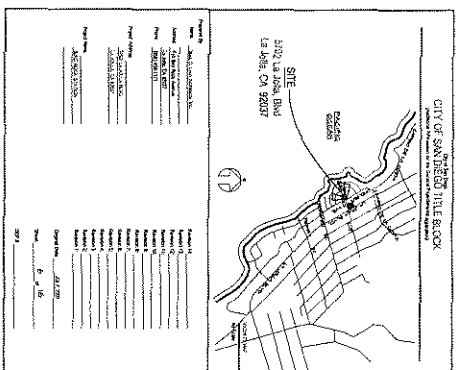


NOTES: 1. REFER TO SHEET 0524-RFC-01 FOR GENERAL NOTES AND SPECIFICATIONS. 2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED. 3. SEE SHEET 0524-RFC-02 FOR STRUCTURAL DETAILS. 4. SEE SHEET 0524-RFC-03 FOR MECHANICAL AND ELECTRICAL DETAILS. 5. SEE SHEET 0524-RFC-04 FOR FINISHES AND MATERIALS. 6. SEE SHEET 0524-RFC-05 FOR SCHEDULES AND LEGENDS. 7. SEE SHEET 0524-RFC-06 FOR ELEVATIONS AND SECTIONS. 8. SEE SHEET 0524-RFC-07 FOR EXTERIOR DETAILS. 9. SEE SHEET 0524-RFC-08 FOR INTERIOR DETAILS. 10. SEE SHEET 0524-RFC-09 FOR FURNITURE AND FIXTURES. 11. SEE SHEET 0524-RFC-10 FOR LIGHTING AND FIXTURES. 12. SEE SHEET 0524-RFC-11 FOR AUDIOVISUAL AND COMMUNICATIONS. 13. SEE SHEET 0524-RFC-12 FOR SPECIALTY TRADES. 14. SEE SHEET 0524-RFC-13 FOR SIGNAGE AND GRAPHICS. 15. SEE SHEET 0524-RFC-14 FOR ACCESSIBILITY. 16. SEE SHEET 0524-RFC-15 FOR SECURITY AND SAFETY. 17. SEE SHEET 0524-RFC-16 FOR ENERGY EFFICIENCY. 18. SEE SHEET 0524-RFC-17 FOR SUSTAINABILITY. 19. SEE SHEET 0524-RFC-18 FOR HISTORIC PRESERVATION. 20. SEE SHEET 0524-RFC-19 FOR OTHER NOTES.

11/20/07 10:00 AM - 11/20/07 10:00 AM



PROPOSED 2ND LEVEL RESIDENTIAL



THE ARCHITECT'S SEAL, LICENSE NO. 10000, IS REQUIRED FOR ALL ARCHITECTURAL DRAWINGS. THIS SEAL IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REPRODUCTION OR COPIING OF THIS SEAL WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS A VIOLATION OF THE ARCHITECT'S PROFESSIONAL ETHICS AND MAY BE SUBJECT TO LEGAL ACTION.

THIS DRAWING IS THE PROPERTY OF ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ANY REPRODUCTION OR COPIING OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS A VIOLATION OF THE ARCHITECT'S PROFESSIONAL ETHICS AND MAY BE SUBJECT TO LEGAL ACTION.

DATE	11/17/2007
BY	Proposed 2nd Level
PROJECT	5702 LA JOLLA BLVD
SCALE	1/8" = 1'-0"
NO.	6

"FORM BASED CODE" DESIGN
BIRD ROCK STATION
 5702 LA JOLLA BLVD.
 LAJOLLA, CA. 92037

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
 410 BIRD ROCK AVE. (658) 461-3171 LA JOLLA, CA 92037

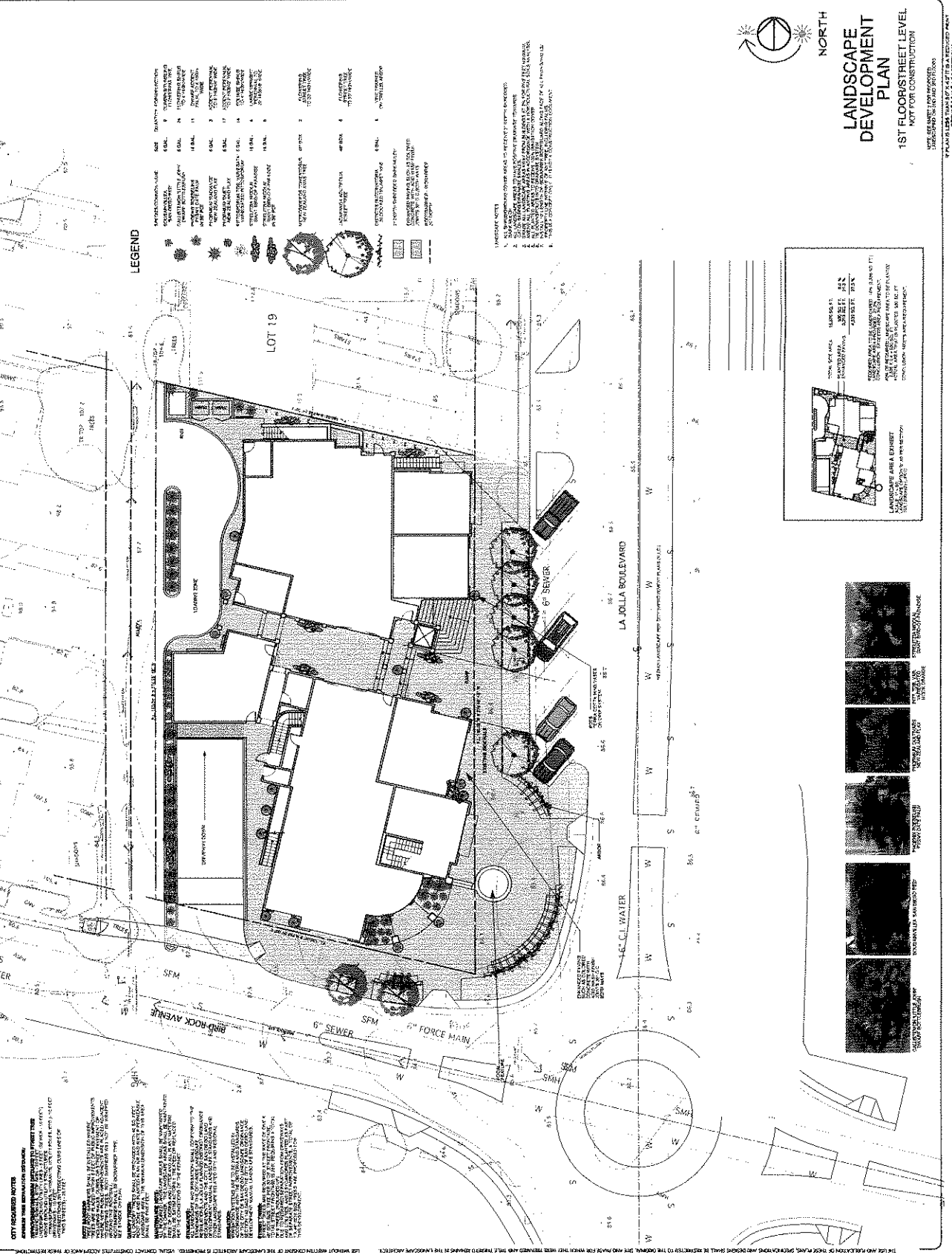


CLIENT: APRO DEVELOPMENT

PROJECT: BIRDBROOK STATION
LA JOLLA BOULEVARD
SAN DIEGO, CALIFORNIA

Table with project details including dates, sheet number (L-1), and page number (OF 3 SHEETS).

DATE: 11/11/11

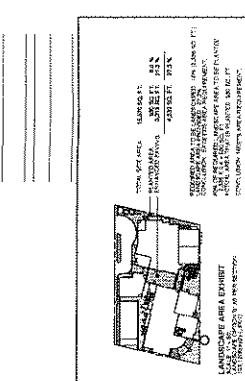


LEGEND

- Legend items including: 1. EXISTING CONSTRUCTION, 2. EXISTING UTILITIES, 3. EXISTING LANDSCAPE, 4. EXISTING PAVEMENT, 5. EXISTING DRIVEWAYS, 6. EXISTING DRIVEWAYS, 7. EXISTING DRIVEWAYS, 8. EXISTING DRIVEWAYS, 9. EXISTING DRIVEWAYS, 10. EXISTING DRIVEWAYS, 11. EXISTING DRIVEWAYS, 12. EXISTING DRIVEWAYS, 13. EXISTING DRIVEWAYS, 14. EXISTING DRIVEWAYS, 15. EXISTING DRIVEWAYS, 16. EXISTING DRIVEWAYS, 17. EXISTING DRIVEWAYS, 18. EXISTING DRIVEWAYS, 19. EXISTING DRIVEWAYS, 20. EXISTING DRIVEWAYS, 21. EXISTING DRIVEWAYS, 22. EXISTING DRIVEWAYS, 23. EXISTING DRIVEWAYS, 24. EXISTING DRIVEWAYS, 25. EXISTING DRIVEWAYS, 26. EXISTING DRIVEWAYS, 27. EXISTING DRIVEWAYS, 28. EXISTING DRIVEWAYS, 29. EXISTING DRIVEWAYS, 30. EXISTING DRIVEWAYS, 31. EXISTING DRIVEWAYS, 32. EXISTING DRIVEWAYS, 33. EXISTING DRIVEWAYS, 34. EXISTING DRIVEWAYS, 35. EXISTING DRIVEWAYS, 36. EXISTING DRIVEWAYS, 37. EXISTING DRIVEWAYS, 38. EXISTING DRIVEWAYS, 39. EXISTING DRIVEWAYS, 40. EXISTING DRIVEWAYS, 41. EXISTING DRIVEWAYS, 42. EXISTING DRIVEWAYS, 43. EXISTING DRIVEWAYS, 44. EXISTING DRIVEWAYS, 45. EXISTING DRIVEWAYS, 46. EXISTING DRIVEWAYS, 47. EXISTING DRIVEWAYS, 48. EXISTING DRIVEWAYS, 49. EXISTING DRIVEWAYS, 50. EXISTING DRIVEWAYS, 51. EXISTING DRIVEWAYS, 52. EXISTING DRIVEWAYS, 53. EXISTING DRIVEWAYS, 54. EXISTING DRIVEWAYS, 55. EXISTING DRIVEWAYS, 56. EXISTING DRIVEWAYS, 57. EXISTING DRIVEWAYS, 58. EXISTING DRIVEWAYS, 59. EXISTING DRIVEWAYS, 60. EXISTING DRIVEWAYS, 61. EXISTING DRIVEWAYS, 62. EXISTING DRIVEWAYS, 63. EXISTING DRIVEWAYS, 64. EXISTING DRIVEWAYS, 65. EXISTING DRIVEWAYS, 66. EXISTING DRIVEWAYS, 67. EXISTING DRIVEWAYS, 68. EXISTING DRIVEWAYS, 69. EXISTING DRIVEWAYS, 70. EXISTING DRIVEWAYS, 71. EXISTING DRIVEWAYS, 72. EXISTING DRIVEWAYS, 73. EXISTING DRIVEWAYS, 74. EXISTING DRIVEWAYS, 75. EXISTING DRIVEWAYS, 76. EXISTING DRIVEWAYS, 77. EXISTING DRIVEWAYS, 78. EXISTING DRIVEWAYS, 79. EXISTING DRIVEWAYS, 80. EXISTING DRIVEWAYS, 81. EXISTING DRIVEWAYS, 82. EXISTING DRIVEWAYS, 83. EXISTING DRIVEWAYS, 84. EXISTING DRIVEWAYS, 85. EXISTING DRIVEWAYS, 86. EXISTING DRIVEWAYS, 87. EXISTING DRIVEWAYS, 88. EXISTING DRIVEWAYS, 89. EXISTING DRIVEWAYS, 90. EXISTING DRIVEWAYS, 91. EXISTING DRIVEWAYS, 92. EXISTING DRIVEWAYS, 93. EXISTING DRIVEWAYS, 94. EXISTING DRIVEWAYS, 95. EXISTING DRIVEWAYS, 96. EXISTING DRIVEWAYS, 97. EXISTING DRIVEWAYS, 98. EXISTING DRIVEWAYS, 99. EXISTING DRIVEWAYS, 100. EXISTING DRIVEWAYS.

PROPOSED NOTES: 1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S LAND DEVELOPMENT ORDINANCE (LDO) AND THE CITY OF SAN DIEGO'S ZONING ORDINANCE (ZO).

LANDSCAPE DEVELOPMENT PLAN
1ST FLOOR/STREET LEVEL
NOT FOR CONSTRUCTION

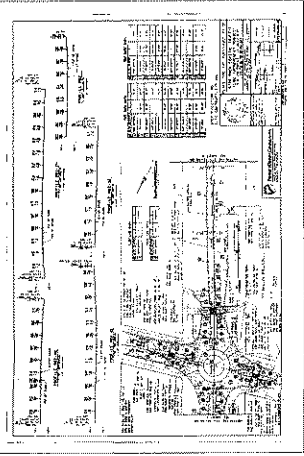
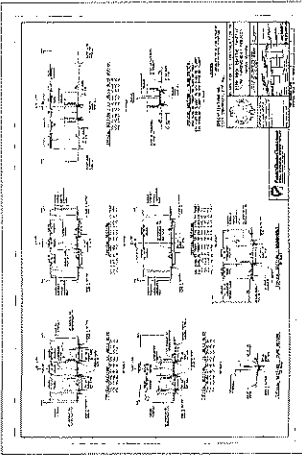


CITY REQUIRED NOTES: THE USER AND READER OF THESE PLANS, SPECIFICATIONS AND NOTES SHALL BE RESPONSIBLE TO THE DESIGN, PREP AND MAKE FOR THEM. THE USER AND READER SHALL BE RESPONSIBLE TO THE DESIGN, PREP AND MAKE FOR THEM.

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
 410 BIRD ROCK AVE., SUITE 400, JOLLA, CA 92037

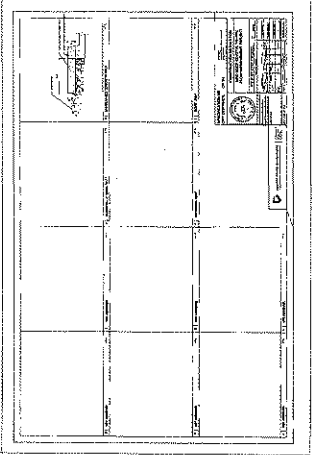
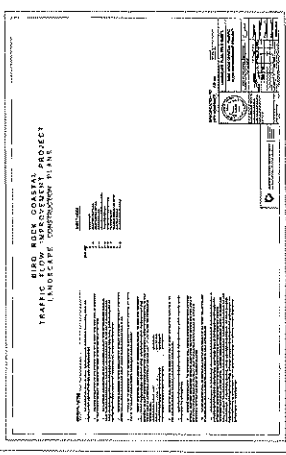
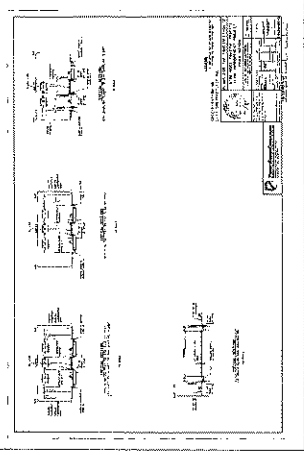
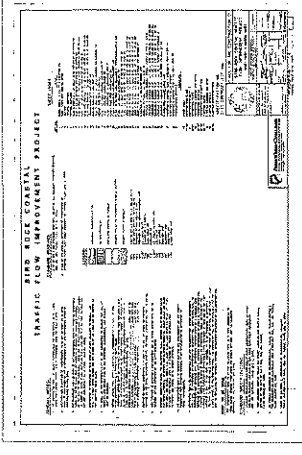
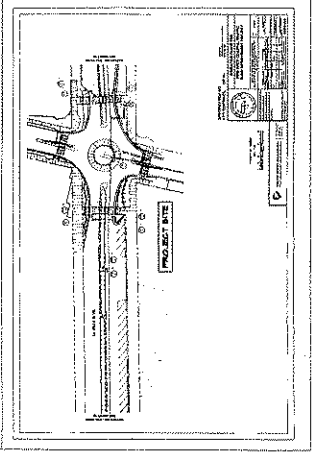
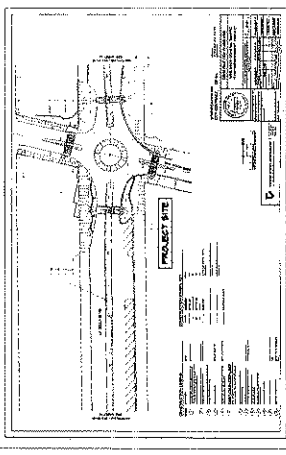
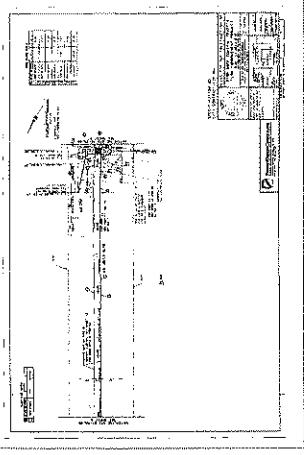
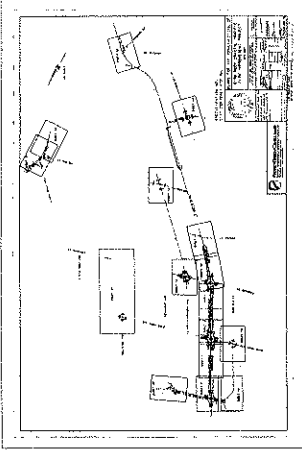
FORM BASED CODE DESIGN
 BIRD ROCK STATION
 5702 LA JOLLA BLVD.
 LA JOLLA, CA 92037

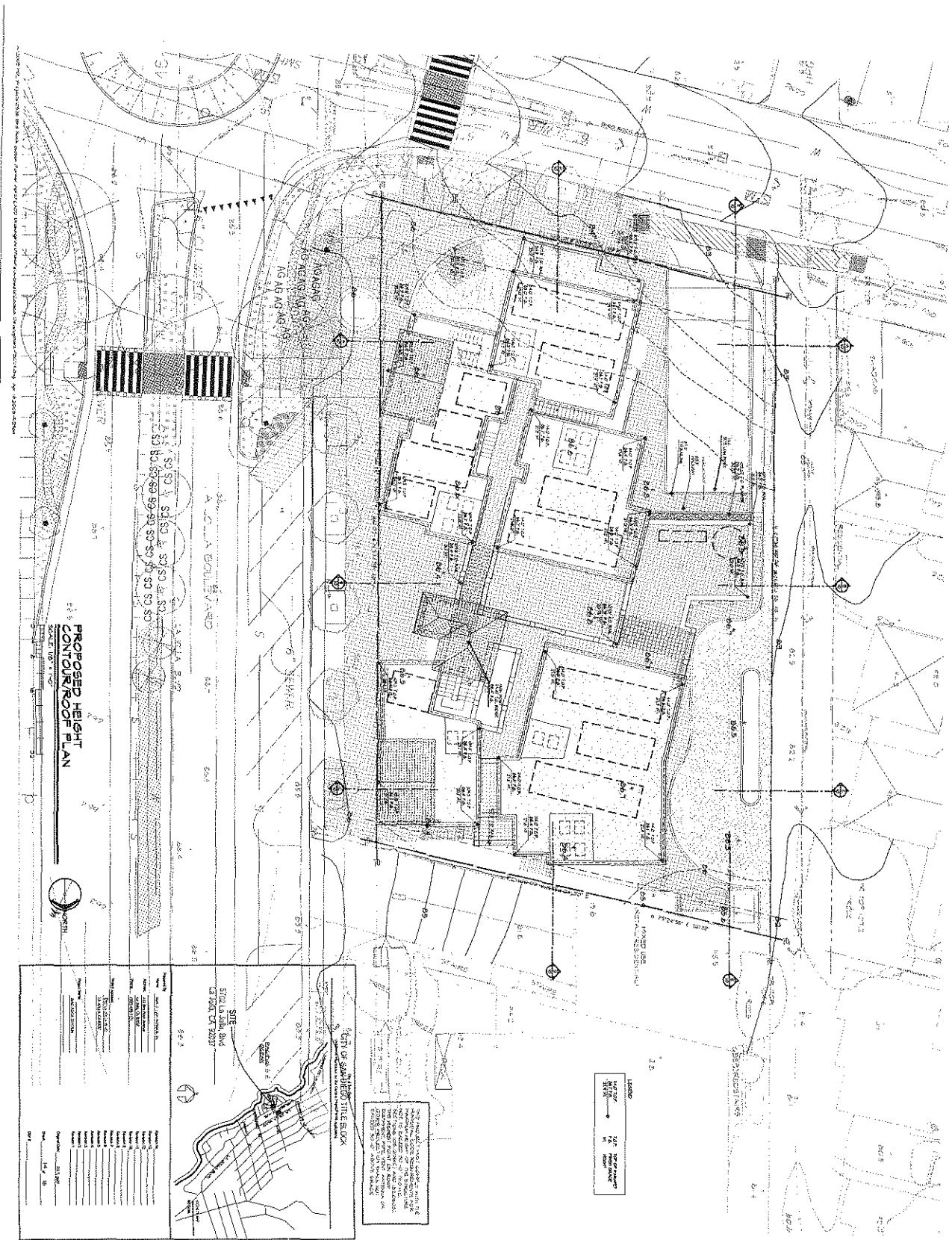
PROJECT: COASTAL
 CONTRACT: 0526-PBC
 PROJECT: CCR
 DATE: 9 JULY 2001
 SHEET: 13



(FOR REFERENCE ONLY)
 CITY OF SAN DIEGO
 STREET IMPROVEMENTS

CITY OF SAN DIEGO TITLE BLOCK
 SITE: 5702 LA JOLLA BLVD, LA JOLLA, CA 92037
 PROJECT: COASTAL
 CONTRACT: 0526-PBC
 PROJECT: CCR
 DATE: 9 JULY 2001
 SHEET: 13





PROPOSED HEIGHT CONTOUR/ROOF PLAN
SCALE: 1/8" = 1'-0"

REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/07	ISSUED FOR PERMITS
2	11/11/07	ISSUED FOR PERMITS
3	11/11/07	ISSUED FOR PERMITS
4	11/11/07	ISSUED FOR PERMITS
5	11/11/07	ISSUED FOR PERMITS
6	11/11/07	ISSUED FOR PERMITS
7	11/11/07	ISSUED FOR PERMITS
8	11/11/07	ISSUED FOR PERMITS
9	11/11/07	ISSUED FOR PERMITS
10	11/11/07	ISSUED FOR PERMITS
11	11/11/07	ISSUED FOR PERMITS
12	11/11/07	ISSUED FOR PERMITS
13	11/11/07	ISSUED FOR PERMITS
14	11/11/07	ISSUED FOR PERMITS

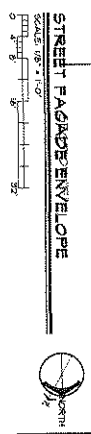
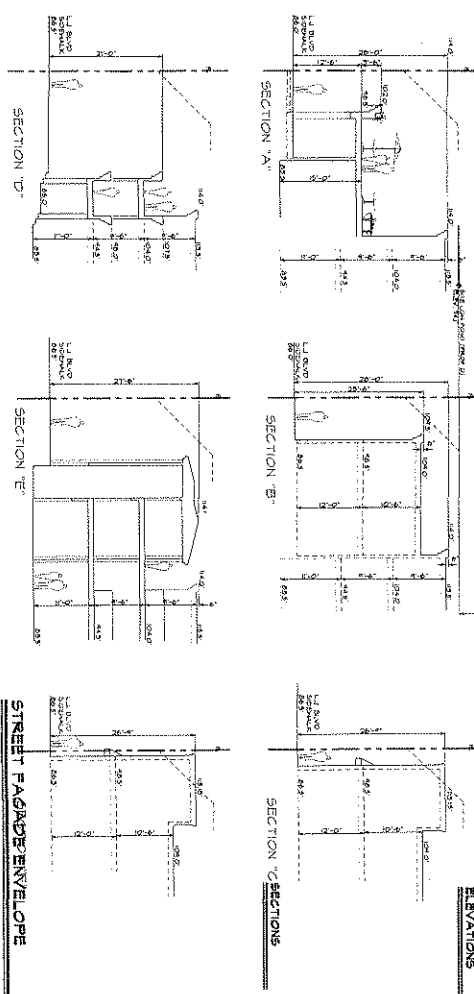
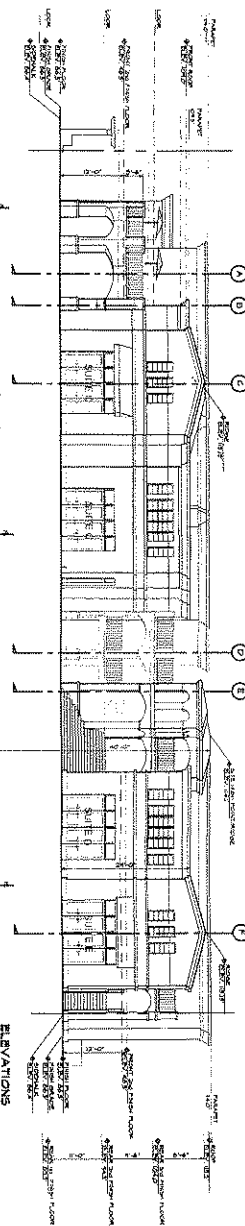
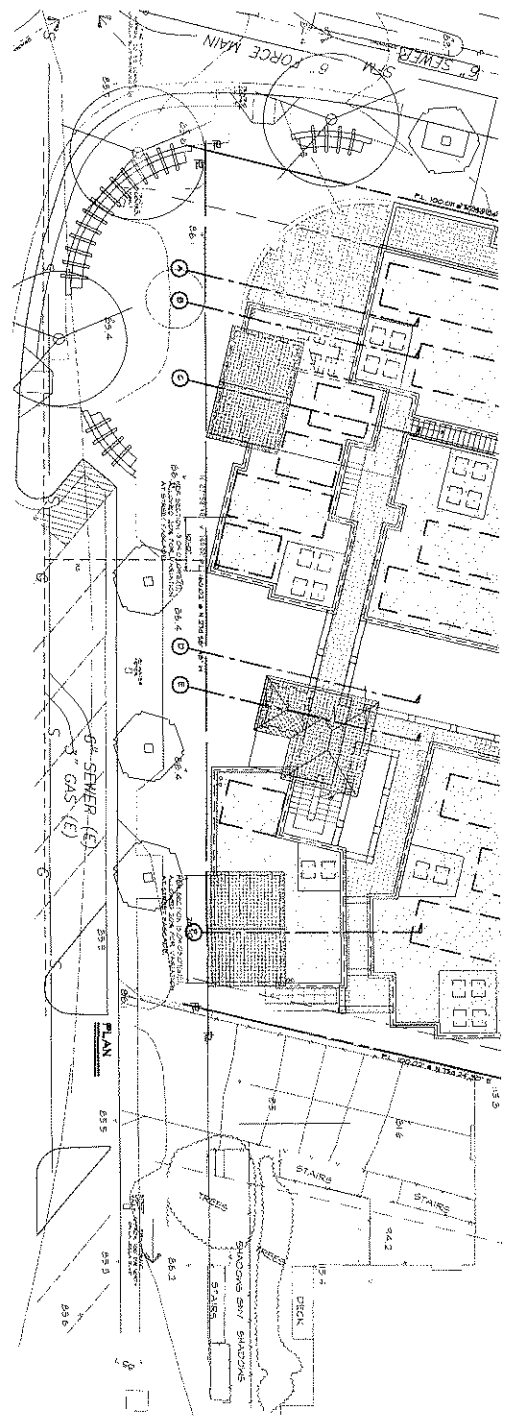
PROJECT INFORMATION

PROJECT: BIRD ROCK STATION
 CLIENT: CALIFORNIA STATE HIGHWAY PATROL
 ARCHITECT: ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
 410 BIRD ROCK AVE., 18561 459-1571 LA JOLLA, CA 92037

THIS PROJECT IS THE PROPERTY OF ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A. ALL RIGHTS ARE RESERVED. NO PART OF THIS PROJECT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.

FORM BASED CODE DESIGN
BIRD ROCK STATION
 5702 LA JOLLA BLVD
 LAJOLLA, CA. 92037

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
 410 BIRD ROCK AVE. 18561 459-1571 LA JOLLA, CA 92037



CITY OF SAN DIEGO TITLE BLOCK

SITE
5702 LA JOLLA BLVD
LA JOLLA, CA 92037

PROJECT
BIRD ROCK STATION

DATE
9.11.17.2017

SCALE
1/8" = 1'-0"

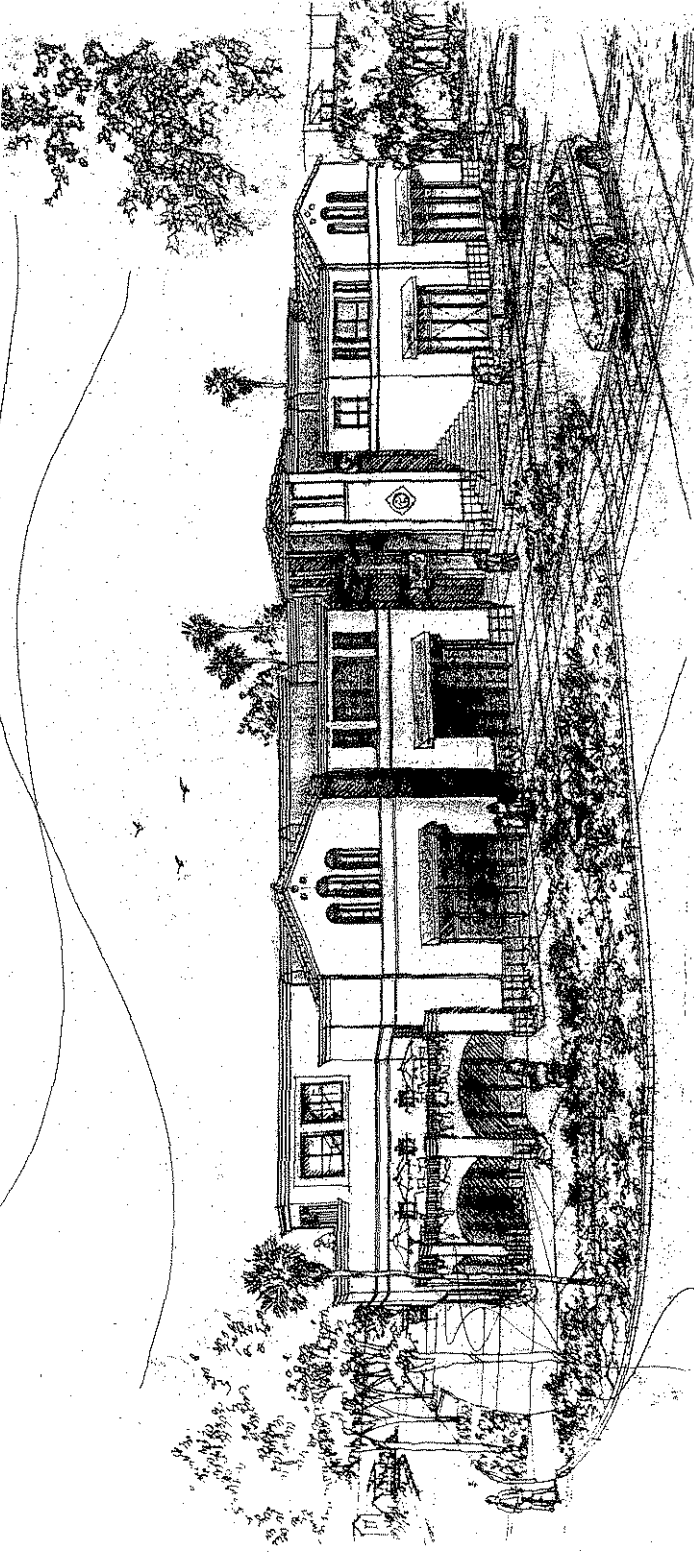
PROJECT FACHADE ENVELOPE

16

THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

"FORM BASED CODE" DESIGN
BIRD ROCK STATION
 5702 LA JOLLA BLVD.
 LA JOLLA, CA. 92037

ARCHITECTS MARK D. LYON & ASSOCIATES, A.I.A.
 410 8150 ROCK AVE. 18861 469-1121 LA JOLLA, CA 92037



PERSPECTIVE
NO SCALE

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
410 BIRD ROCK AVE. (488) 459-1171 LA JOLLA, CA 92037

FORM BASED CODE DESIGN
BIRD ROCK STATION
5782 LA JOLLA BLVD.
LA JOLLA, CA 92037

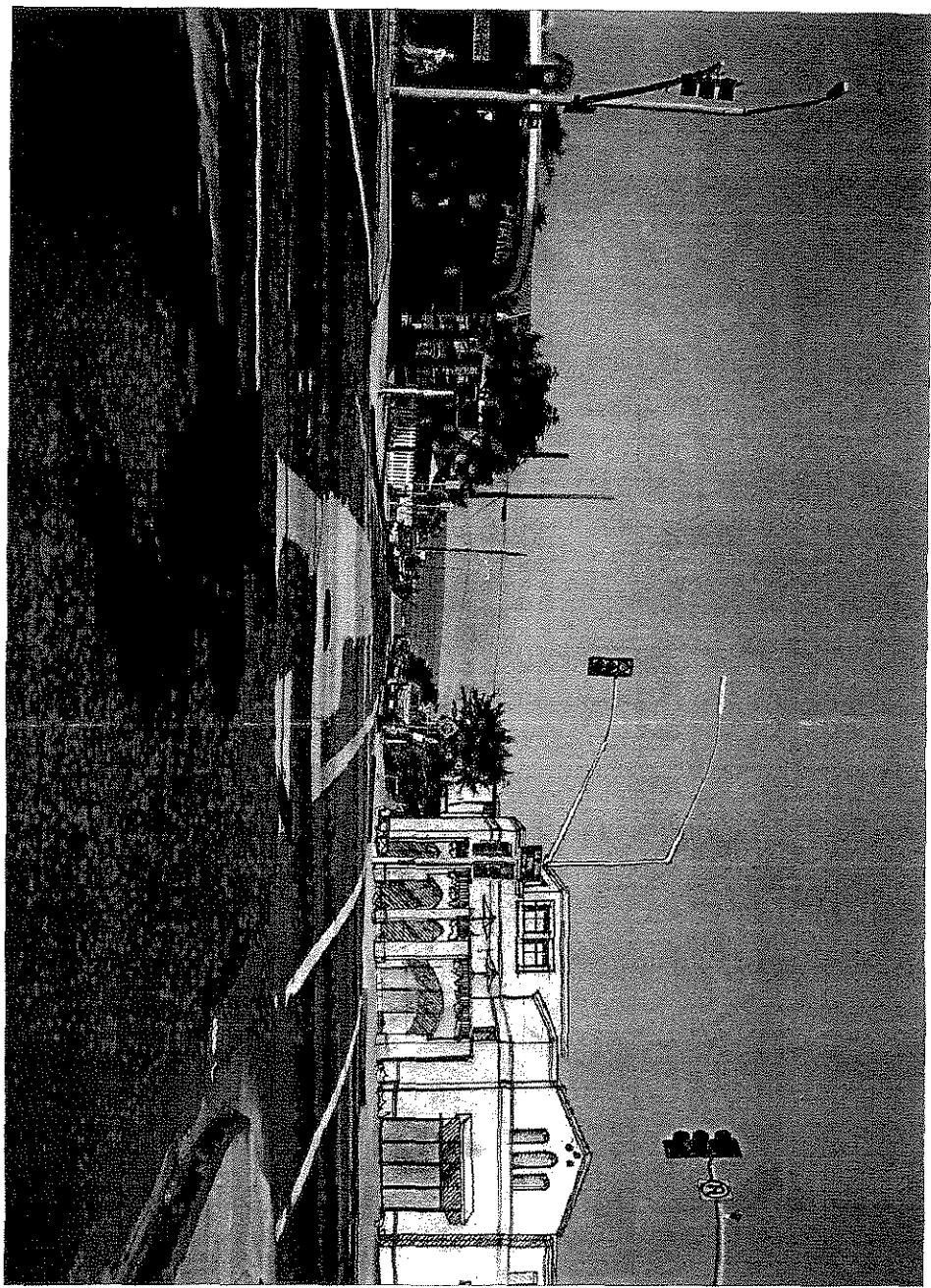
DATE: 9 JULY 2007
PROJECT: BIRD ROCK STATION
SHEET: 17
PERFORMED BY: [Name]
CHECKED BY: [Name]
DATE: 9 JULY 2007

CITY OF SAN DIEGO TITLE BLOCK
SITE: 5782 LA JOLLA BLVD, LA JOLLA, CA 92037


DATE	9 JULY 2007
PROJECT	BIRD ROCK STATION
SHEET	17
PERFORMED BY	[Name]
CHECKED BY	[Name]

Small text at the bottom right corner, likely a disclaimer or copyright notice.

© 2007 M.D. Lyon & Associates, A.I.A. All Rights Reserved. No part of this document may be reproduced without the written permission of M.D. Lyon & Associates, A.I.A.



BIRD ROCK AVENUE VIEW CORRIDOR

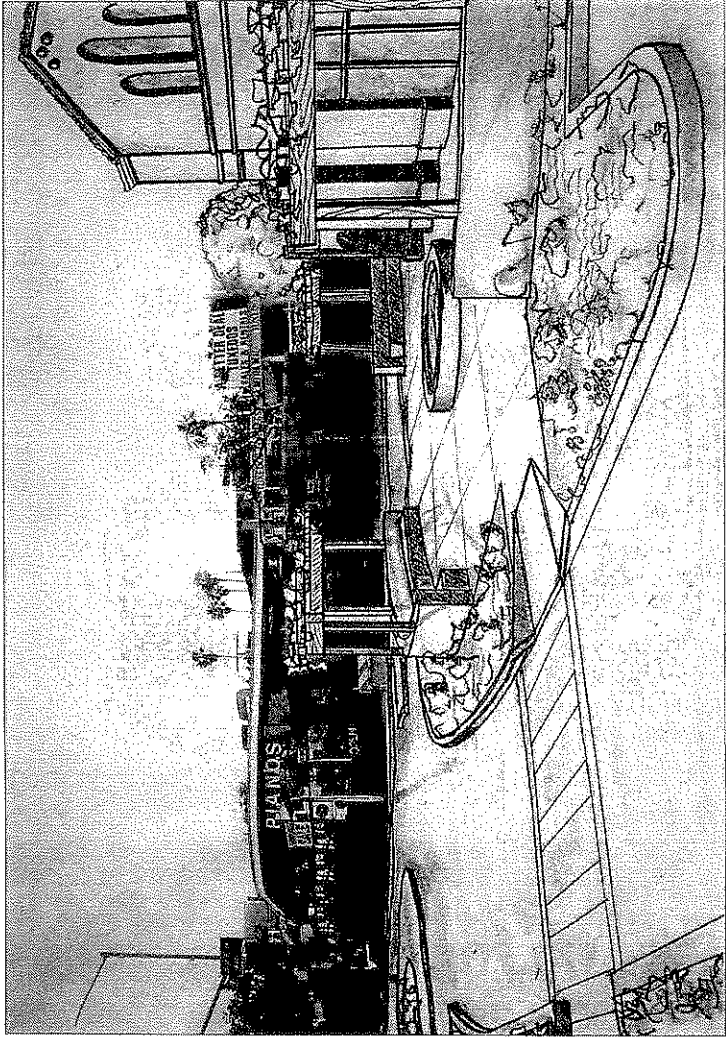
<p>DATE: 05/28/07 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: BIRD ROCK STATION SHEET: 18</p>	<p>PROJECT: BIRD ROCK STATION ADDRESS: 5702 LA JOLLA BLVD. CITY: LA JOLLA, CA 92037</p>	<p>"FORM BASED CODE" DESIGN BIRD ROCK STATION 5702 LA JOLLA BLVD. LA JOLLA, CA. 92037</p>	 ARCHITECT: MARK D. LYON & ASSOCIATES, A.I.A. 610 BIRD ROCK AVE. (458) 459-1571 LA JOLLA, CA 92037
--	---	--	---

ARCHITECT MARK D. LYON & ASSOCIATES, A.I.A.
 410 BIRD ROCK AVE. (858) 459-1171 LA JOLLA, CA 92037



FORM BASED CODE DESIGN
 BIRD ROCK STATION
 5702 LA JOLLA BLVD
 LA JOLLA, CA. 92037

DATE: 02/24/2007
 PROJECT: COASTAL
 SHEET: 19
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT NO: [blank]
 SHEET NO: [blank]



LA JOLLA BLVD. / BIRD ROCK AVENUE CORNER VIEW

PLANNING COMMISSION
RESOLUTION NO.
TENTATIVE MAP NO. 361919
BIRD ROCK MIXED USE

WHEREAS, MICHAEL AND OLGA KRAMBS, Applicant/Subdivider, filed an application with the City of San Diego for a Coastal Development Permit, Planned Development Permit, Site Development Permit and Tentative Map to construct a mixed-use project of 11 residential units and seven commercial totaling 20,507 square feet, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450 and Tentative Map No. 361919), on portions of a 16,080 square-foot lot;

WHEREAS, the project site is located at 5702 La Jolla Boulevard in the Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area;

WHEREAS, the project site is legally described as Lots 15, 16, 17 & 18 in Block 21 of La Jolla Park;

WHEREAS, on May 22, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 361919, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, adopts the following findings with respect to Tentative Map No. 361919:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b) except as allowed by Planned Development Permit No. 546450 and Site Development Permit No. 279442.
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning commission, Tentative Map No. 361919, is hereby granted to Michael and Olga Krambs, Subdividers.

GENERAL

1. This Tentative Map will expire May 22, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
4. The Final Map shall conform to the provisions of Planned Development Permit No. 463165 and Site Development Permit No. 463166.
5. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

ENGINEERING

6. Prior to the issuance of any building permits, the applicant shall dedicate, and assure by permit and bond, the improvement of an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.
7. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
8. The Coastal Development, Planned Development and Site Development Permit shall comply with all Conditions of the Tentative Map.
9. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
10. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
11. The applicant shall construct pedestrian ramps on both sides of the alley entrance, adjacent to the site, with current City Standard Drawing SDG-136 with truncated domes.
12. Unless already provided by the City of San Diego, the subdivider shall close the existing driveways and construct current City Standard Curb and Gutter, adjacent to the site on La Jolla Boulevard and Bird Rock Avenue...

13. Unless already provided by the City of San Diego, the Applicant shall close the driveways adjacent to the site on La Jolla Boulevard and Bird Rock Avenue with current City Standard full height curb, gutter and sidewalk
14. Unless already provided by the City of San Diego, Applicant shall reconstruct the damaged portions of the existing sidewalk with current City Standard sidewalk.
15. Unless already provided by the City of San Diego, the Applicant shall reconstruct the existing pedestrian ramp at the southeast corner of La Jolla Boulevard and Bird Rock Avenue, with current City standard pedestrian ramp Standard Drawing SDG-132 and SDG-133 with truncated domes.
16. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
17. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the non-standard driveway on Bird Rock Avenue.
18. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the private landscape planters encroaching in the Bird Rock Avenue Right-of-Way.
19. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
20. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
21. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
22. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer

23. Prior to the issuance of any construction permit the Subdivider 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.
24. Prior to the issuance of any construction permit, the Subdivider 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.
25. The project proposes to export 13,200 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"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
26. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.
27. 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.
28. 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"), 2000 edition.
29. Prior to the issuance of any building permits, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.
30. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the proposed Awnings in the La Jolla Boulevard Right-of-Way, per San Diego Municipal Code Section 159.0307(e)(3).
31. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the proposed private improvements in the area called out as Public Outdoor Plaza, in the La Jolla Boulevard Right-of-Way. Encroachments will be limited to street furniture, kiosks, planters, directional signs, sculptures and a fountain, per the current La Jolla Community Plan.

32. Prior to the issuance of any building permit, the applicant shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of surface drainage entering into the property from the La Jolla Boulevard Right-of-Way due to the design of the sidewalk ramp in the Public Outdoor Plaza area.

MAPPING

33. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
34. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
35. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

36. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

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

WATER

38. The Subdivider shall install fire hydrants, if required, at locations satisfactory to the Fire Department, the City Engineer and the Director of Public Utilities. .
39. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
40. The Subdivider shall provide a letter to the Development Project Manager, agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single condominium unit or lot.
41. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities, as shown on the approved tentative map may require modification to comply with standard.

AFFORDABLE HOUSING

42. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be

required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 361919 is granted to MICHAEL AND OLGA KRAMBS, Applicant/Subdivider, subject to the conditions attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 22, 2008.

R-
Reviewed by Morris E. Dye

By _____
Morris E. Dye
Development Project Manager
Development Services Department

Job Order No. 425482

Project No. 87287
TM No. 361919
May 22, 2008

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

JOB ORDER NUMBER: 425482

PLANNING COMMISSION
COASTAL DEVELOPMENT PERMIT NO. 277553
SITE DEVELOPMENT PERMIT NO. 279442
PLANNED DEVELOPMENT PERMIT NO. 546450

[MMRP]
DRAFT

This Coastal Development Permit/Site Development Permit/Planned Development Permit is granted by the Planning Commission of the City of San Diego to MICHAEL AND OLGA KRAMBS, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 143.0401 and 143.0301. The 0.37-acre, vacant site is located at 5207 La Jolla Boulevard, in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project site is legally described as Lots 15, 16, 17 & 18 in Block 21 of La Jolla Park.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to consolidate four lots into one lot and to construct a mixed use project of 11 residential units and seven commercial units totaling 20,507 square feet on a 16,080 square-foot (0.37-acre) site with deviations to number of stories and parking lot access. The development is described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 22, 2008, on file in the Development Services Department.

The project shall include:

- a. A mixed-use development consisting of seven commercial units totaling 9,127 square feet located on the first level, 11 residential units totaling 11,380 square feet located on the second and third levels, and two levels of subterranean parking totaling 20,507 square feet;
- b. A deviation to Section 159.0307 D (2) of the Land Development Code, Property Development Regulations, which indicates that structures located in Zone 4 of the La Jolla Planned District shall be limited to containing a maximum of two stories. The

ATTACHMENT 8

project deviates from that requirement by including three stories into the proposed development;

- c. A deviations Section 142.0560(j)(7) of the Land Development Code, requiring parking access to be taken from the abutting alley. The project deviates from that requirement by taking access from Bird Rock Avenue;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

ATTACHMENT 8

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 87287, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration No. 87287, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources and Transportation

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

ENGINEERING REQUIREMENTS:

15. This permit shall comply with all conditions of Tentative Map No. 361919.

LANDSCAPE REQUIREMENTS:

16. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. 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.

17. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

18. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted 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."

ATTACHMENT 8

19. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

20. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

21. 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.

22. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements 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. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

23. 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, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

24. All loading and unloading activities in the alleyway shall occur only between the hours of 7a.m. and 7p.m.

25. No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to and integrated with the main building architectural design.

26. Prior to the issuance of building permits, plans which clearly demonstrate compliance with the Building Surface Materials and Coloring Standards of the La Jolla Planned District shall be submitted and approved by the Development Services Department.

ATTACHMENT 8

27. Prior to the issuance of building permits, the permittee shall obtain an Encroachment Permit for all awnings proposed to project over the public right-of-way, pursuant to SDMC Sec. 159.0307.

28. No fewer than 36 (56 are proposed) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

29. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

30. The Owner/Permittee shall, for the residential units, make available information on energy efficient appliances and technology in marking materials and within sales offices in order to promote energy savings, and alternative energy technologies to be incorporated in the residences during construction.

TRANSPORTATION REQUIRMENTS:

31. The applicant shall provide and maintain a minimum of 36 parking spaces on site at all times.

32. The applicant shall dedicate and improve an additional two feet, six inches (2.5) along the project's frontage of the alley, satisfactory to the City Engineer.

33. The applicant shall construct pedestrian ramps at both east and west sides of the alley entrance, satisfactory to the City Engineer.

34. The applicant shall coordinate the proposed project with the City Capital Improvement Project (CIP 52-7170) for the proposed improvements of the La Jolla Boulevard.

35. Prior to issuance of any building permit, the applicant shall install traffic signal at the intersection of La Jolla Boulevard and Forward Street if the intersection has not been converted to turnabout, satisfactory to the City Engineer.

36. No obstacles higher than 36 inches will be located in the visibility area. All driveways and curb openings shall be a minimum of three feet from any obstruction, i.e. poles, hydrants, etc.

37. The applicant shall close all un-utilized driveways along La Jolla Boulevard and Bird Rock Avenue with standard height of curb, gutter and sidewalk.

38. Prior to issuance of any building permits, the applicant should provide a fair-share contribution for the proposed roundabout at the intersection of La Jolla Boulevard and Bird rock Avenue, satisfactory to the City Engineer.

ATTACHMENT 8

39. The applicant shall apply for Encroachment Maintenance and Removal Agreement for the non-conforming location of the proposed driveway along Bird Rock Avenue.
40. The applicant shall apply for deviation for the non-standard driveway on Bird Rock Avenue.
41. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

WATER REQUIREMENTS:

42. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services, outside of any driveway or drive aisle, and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
43. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate backflow prevention devices on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities, the City Engineer and the Cross-Connection Control Group in the Customer Support Division of the Water Department.
44. All on-site water facilities shall be private including domestic, fire and irrigation systems.
45. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including water services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
46. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

WASTEWATER REQUIREMENTS

47. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on site private sewer mains that serve more than one ownership.
48. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

ATTACHMENT 8

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

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on May 22, 2008.

PLANNING COMMISSION
RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 277553
SITE DEVELOPMENT PERMIT NO. 279442
PLANNED DEVELOPMENT PERMIT NO. 546450
BIRD ROCK MIXED USE

WHEREAS, MICHAEL AND OLGA KRAMBS, Owners/Permittees, filed an application with the City of San Diego for a Coastal Development Permit, Planned Development Permit, Site Development Permit to construct a mixed-use project of 11 residential units and 7 commercial units totaling 20,507 square feet, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450 and Tentative Map No. 361919), on portions of a 16,080 square-foot lot;

WHEREAS, the project site is located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area;

WHEREAS, the project site is legally described as Lots 15, 16, 17 & 18 in Block 21 of La Jolla Park;

WHEREAS, on May 22, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450 No., pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 22, 2008.

FINDINGS:

A. COASTAL DEVELOPMENT PERMIT FINDINGS

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; AND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. All of the proposed development will be contained within the existing disturbed, previously developed and graded

portions of the site. The project site has no existing physical access used legally or otherwise by the public, nor does it have any public access identified in the Local Coastal Program. The proposed building would conform to the maximum 30-foot Coastal Height Limit allowed by the zone. The subject property is not identified in the City of San Diego's adopted LCP Land Use Plan as a public accessway. The project site is bounded by single family residential development to the west, multi-family to the north, and commercial to the south and across La Jolla Boulevard to the east. The site is privately owned and currently vacant. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way. There is no identified physical accessway in the immediate vicinity of the project. The nearest dedicated public access to the shoreline is at the end of Bird Rock Avenue, three blocks away. There is no beach immediately adjacent to the project as the site is located three blocks to the east of the shoreline.

The La Jolla Community Plan identifies a public view corridor along Bird Rock Avenue, immediately south of the project site through Bird Rock Avenue. The La Jolla Community Plan defines a View Corridor as an unobstructed frame view down a public right-of-way. The westernmost end of Bird Rock Avenue is also identified as a View Cone, which is defined by a 90 degree angle radiating lines from a public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each property closest to the ocean or shoreline. All View Cones are directed towards a coastal body of water. Staff has concluded that the proposed project would be in compliance with the requirements of the underlying zone regarding heights and setbacks and, therefore, would not encroach into either the View Corridor or View Cone. The proposed project would meet the City of San Diego's setback requirements, and would not result in a blockage or obstruction of the View Corridor or View Cone along Bird Rock Avenue.

As there is no physical access way near the project and public views near the site would be maintained along Bird Rock Avenue, 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.

2. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS; AND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project is proposed for a site that is located in a built, urban environment, and does not impact any Environmentally Sensitive Lands. The project is also not adjacent to any sensitive resources, and not within, or adjacent to, the Multi-Habitat Planning Area (MHPA). As the project is not located within, or adjacent to, any sensitive resources areas, 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; AND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The proposed project conforms to the certified Local Coastal land use plan. No public view to the water would be adversely affected by the approval of this project. Granting the requested deviations through a Planned Development Permit would not increase the scale or height of the overall structure. The project would not increase any public view impacts greater than a project without the requested deviations. A View Corridor and View Cone would be preserved and not create an impact to this coastal view area. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the La Jolla Planned District Zone 4 and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process through a Planned Development Permit. Therefore, the proposed development would be in conformity to the certified Local Coastal Program land use plan and comply 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 is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The proposed development site is not located between the nearest public roadway and the sea or shoreline of any body of water located within the coastal zone. Therefore, the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT FINDINGS

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

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La

Jolla Planned District within the La Jolla Community Planning Area. The La Jolla Community Plan requires that public views to the ocean be protected. No public view to the water would be adversely affected by the approval of this project. The La Jolla Community Plan identifies a public view corridor along Bird Rock Avenue, immediately south of the project site. The La Jolla Community Plan defines a View Corridor as an unobstructed frame view down a public right-of-way. The westernmost end of Bird Rock Avenue is also identified as a View Cone, which is defined by a 90 degree angle radiating lines from a public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each property closest to the ocean or shoreline. All View Cones are directed towards a coastal body of water. Staff has concluded that the proposed project would be in compliance with the requirements of the underlying zone regarding heights and setbacks and, therefore, would not encroach into either the View Corridor or View Cone. The proposed project would meet the City of San Diego's setback requirements, and would not result in a blockage or obstruction of the View Corridor or View Cone along Bird Rock Avenue.

The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the La Jolla Planned District Zone 4 and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process through a Planned Development Permit.

Page 104, of the La Jolla Community Plan, calls for the Bird Rock area to have mixed-use residential/commercial development, and enhanced sidewalks with decorative/uniform paving, street trees, benches and other amenities. The purpose is to create a stronger pedestrian-oriented image to the Bird Rock commercial district. The project is proposing a mixed-use development with 11 residential units and seven commercial units. The proposed public plaza would include enhanced sidewalk paving benches, trellises and landscaping, all helping to create a more pedestrian-oriented area.

Given the project would not block any public views, the existing View Corridor on Bird Rock Avenue and the View Cone at the end of Bird Rock Avenue would not be blocked by the project, the project would be consistent with the residential density and multi-family land use prescribed in the La Jolla Community Plan, the project would comply with the applicable development regulations of the Land Development Code, including the requested deviation permitted as part of the Planned Development Permit, the project provides the mixed use development called for in the La Jolla Community Plan, and would include enhanced sidewalk paving benches, trellises and landscaping, all helping to create a more pedestrian-oriented area as called for in the La Jolla Community Plan, the proposed development will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La

Jolla Planned District within the La Jolla Community Planning Area. Permit conditions would require the applicant to construct pedestrian ramps at both the east and the west sides of the alley entrance, satisfactory to the City Engineer. This would ensure safe public access on the sidewalk adjacent to the project. Permit conditions would further require that no obstacles higher than 36 inches may be located in the visibility area of this entrance. The purpose of the condition is to improve visibility for drivers exiting the project so pedestrians and other drivers can be seen. In addition, all driveways and curb openings would be required to be a minimum of three feet away from any obstruction, such as a pole, of fire hydrant. This would reduce the likelihood of automobiles hitting these obstructions. In addition, the project would be required to submit a Water Pollution Control Plan and incorporate construction Best Management Practices to reduce water quality impacts. As the project would have requirements in place to protect public safety for those using the project and those walking or driving near the project, would incorporate techniques to prevent or reduce water quality impacts, the proposed development will not be detrimental to public health, safety and welfare.

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

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project has been reviewed and complies with all Land Development Code requirements, excepting the two requested deviations. The proposal meets the required 30-foot height limit, all required setbacks, Floor Area Ratio, landscaping and parking requirements. The requested deviations are for proposing three stories where the La Jolla PDO requires a two-story limit, and for the project proposing to take parking access from Bird Rock Avenue as opposed to the abutting alley as required. The proposed permit requires the project submit a Water Pollution Control Plan for approval and prior to the issuance of any construction permit, the project must 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. As the project would meet all Land Development Code requirements except the two requested deviations, and the project would be required to submit a Water Pollution Control Plan and Best Management Practices necessary to comply with the Land Development Code, the proposed development will comply with the applicable regulations of the Land Development Code.

C. PLANNED DEVELOPMENT PERMIT FINDINGS

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

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The La Jolla Community Plan requires that public views to the ocean be protected. No public view to the water would be

adversely affected by the approval of this project. The La Jolla Community Plan identifies a public view corridor along Bird Rock Avenue, immediately south of the project site. The La Jolla Community Plan defines a View Corridor as an unobstructed frame view down a public right-of-way. The westernmost end of Bird Rock Avenue is also identified as a View Cone, which is defined by a 90 degree angle radiating lines from a public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each property closest to the ocean or shoreline. All View Cones are directed towards a coastal body of water. Staff has concluded that the proposed project would be in compliance with the requirements of the underlying zone regarding heights and setbacks and, therefore, would not encroach into either the View Corridor or View Cone. The proposed project would meet the City of San Diego's setback requirements, and would not result in a blockage or obstruction of the View Corridor or View Cone along Bird Rock Avenue.

The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the La Jolla Planned District Zone 4 and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process through a Planned Development Permit.

Page 104, of the La Jolla Community Plan, calls for the Bird Rock area to have mixed-use residential/commercial development, and enhanced sidewalks with decorative/uniform paving, street trees, benches and other amenities. The purpose is to create a stronger pedestrian-oriented image to the Bird Rock commercial district. The project is proposing a mixed-use development with 11 residential units and seven commercial units. The proposed public plaza would include enhanced sidewalk paving benches, trellises and landscaping, all helping to create a more pedestrian-oriented area.

Given the project would not block any public views, the existing View Corridor on Bird Rock Avenue and the View Cone at the end of Bird Rock Avenue would not be blocked by the project, the project would be consistent with the residential density and multi-family land use prescribed in the La Jolla Community Plan, the project would comply with the applicable development regulations of the Land Development Code, including the requested deviation permitted as part of the Planned Development Permit, the project provides the mixed use development called for in the La Jolla Community Plan, and would include enhanced sidewalk paving benches, trellises and landscaping, all helping to create a more pedestrian-oriented area as called for in the La Jolla Community Plan, the proposed development will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE;

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project site was formerly developed with a retail gasoline service station, which included three underground

storage tanks, one underground waste oil storage tank, an above-ground waste oil tank and two fuel pump islands. The oil storage tanks were removed and soil testing was conducted. No significant volume of remaining used oil-impacted soil was found. However, it is anticipated that excavation for the project will encounter pollutants associated with the underground gasoline storage tanks. Extensive monitoring, removal and disposal activities would occur if the project were to be approved and constructed. An Interim Remedial Action Plan has been received by the County of San Diego, Department of Environmental Health, Site Assessment Mitigation Program for the project, and was approved after a public participation process was completed. Staff has received a letter of concurrence on the project from the County Department of Health and has no further issues on the storage tank or soil contamination issues.

Permit conditions would require the applicant to construct pedestrian ramps at both the east and the west sides of the alley entrance, satisfactory to the City Engineer. This would ensure safe public access on the sidewalk adjacent to the project. Permit conditions would further require that no obstacles higher than 36 inches may be located in the visibility area of this entrance. The purpose of the condition is to improve visibility for drivers exiting the project so pedestrians and other drivers can be seen. In addition, all driveways and curb openings would be required to be a minimum of three feet away from any obstruction, such as a pole, of fire hydrant. This would reduce the likelihood of automobiles hitting these obstructions. In addition, the project would be required to submit a Water Pollution Control Plan and incorporate construction Best Management Practices to reduce water quality impacts. As the project would have requirements in place to protect public safety for those using the project and those walking or driving near the project, would incorporate techniques to prevent or reduce water quality impacts, the proposed development will not be detrimental to public health, safety and welfare.

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

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The project has been reviewed and complies with all Land Development Code requirements, excepting the two requested deviations. The proposal meets the required 30-foot height limit, all required setbacks, Floor Area Ratio, landscaping and parking requirements. The requested deviations are for proposing three stories where the La Jolla PDO requires a two-story limit, and for the project proposing to take parking access from Bird Rock Avenue as opposed to the abutting alley as required. The proposed permit requires the project submit a Water Pollution Control Plan for approval and prior to the issuance of any construction permit, the project must 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. As the project would meet all Land Development Code requirements except the two requested deviations, and the project would be required to submit a Water Pollution Control Plan and Best Management Practices necessary to comply with the Land Development Code, the proposed development will comply with the applicable regulations of the Land Development Code.

4. THE PROPOSED DEVELOPMENT, WHEN CONSIDERED AS A WHOLE, WILL BE BENEFICIAL TO THE COMMUNITY; AND

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The applicant is proposing to construct the development with three stories instead of two as required by the La Jolla Planned District Ordinance, and is proposing to take parking access off Bird Rock Avenue instead of the abutting alley as required by Section 142.0560(j)(7) of the Land Development Code.

The proposed design would distribute the project's floor area ratio over three floors, allowing for better articulation and visual interest, a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped trellises and a varied structural appearance. The development would include varied structure heights, archways on the ground floor and balconies. If the project were held to the two-story limit, these features would not be possible and a more box-like, bulkier building would likely result. The proposed deviation also allows for more open spaces within and around the development, and also allows for more opportunities for landscaping treatments resulting in a softening of blank walls and other more bulky building attributes.

The project frontage is greater than 150 feet, and, therefore, the project is entitled to a driveway to access the development. The La Jolla PDO prohibits that driveway on La Jolla Boulevard. The alley abutting the site is substandard. The City of San Diego has required the applicant to dedicate 2.5 feet along the alley to bring the alley closer to a standard 20-foot alley. This dedication would bring the alley width to 17.5 feet. Even with this added width, the alley is not adequate to allow for the proposed parking access to be taken from the alley. This leaves Bird Rock Avenue as the only other location for the parking access. As this is in conflict with Section 142.0560(j)(7) of the Land Development Code, the applicant is asking for a deviation to allow the parking access be taken from Bird Rock Avenue instead of the alley. Given the substandard width of the alley, the project is constrained. Access from the alley would be difficult with the substandard alley width and could have a negative impact on the adjacent single family neighborhood across the alley.

As the project would produce a more interesting and varied building appearance, a public plaza would be created on the southeast corner of the site, the proposal would allow for more open space and landscaping opportunities, and a better parking access would result from taking access from Bird Rock Avenue instead of the substandard alley, the proposed development, when considered as a whole, will be beneficial to the community.

5. ANY PROPOSED DEVIATIONS PURSUANT TO SECTION 126.0602(B)(1) ARE APPROPRIATE FOR THIS LOCATION AND WILL RESULT IN A MORE DESIRABLE PROJECT THAN WOULD BE ACHIEVED IF DESIGNED IN STRICT CONFORMANCE WITH THE DEVELOPMENT REGULATIONS OF THE APPLICABLE ZONE.

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking,

and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. Section 159.0307 D (2) of the Land Development Code, Property Development Regulations, indicates that structures located in Zone 4 of the La Jolla Planned District shall be limited to containing a maximum of two stories. The project proposes to deviate from that requirement by including three stories into the proposed development. The project is also proposing to deviate from the Land Development Code requirement for developments of this type to locate parking access off the abutting alley.

The project is not proposing to exceed the 30-foot height limit for the area. Staff has reviewed the proposal and can support the deviation to three stories. This support is based on the resulting design which would spread the project's floor area ratio over three floors, allowing for better articulation and visual interest, a varied structural appearance, and a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped trellises. The development would include significant articulation, varied structure heights, archways and balconies. If the project were held to the two-story limit, these features would not be possible and a more box-like, bulkier building would likely result. The deviation also allows for more open spaces within and around the development, and allows for more opportunities for landscaping treatments, resulting in a softening of blank walls and other building attributes. The three-story deviation is appropriate at this location as the surrounding area has multiple-storied structures. In addition, the project proposes two stories on the corner of Bird rock Avenue and La Jolla Boulevard including the public plaza on the ground floor and a balcony on the second floor, and the third story portion of the development is set back away from La Jolla Boulevard, presenting a two-story appearance at the sidewalk level.

Given the project frontage is greater than 150 feet, the project is entitled to a driveway to access the development. The La Jolla PDO prohibits that driveway on La Jolla Boulevard. The alley abutting the site is substandard. The City of San Diego has required the applicant to dedicate 2.5 feet along the alley to bring the alley closer to a standard 20-foot alley. This dedication would bring the alley width to 17.5 feet. Even with this added width, the alley is not adequate to allow for the proposed parking access to be taken from the alley. This leaves Bird Rock Avenue as the only other location for the parking access. As this is in conflict with Section 142.0560(j)(7) of the Land Development Code, the applicant is asking for a deviation to allow the parking access be taken from Bird Rock Avenue instead of the alley. Given the substandard width of the alley, the project is constrained and would result in a less desirable project. Access from the alley would be difficult with the substandard alley width and could have a negative impact on the adjacent single family neighborhood across the alley.

As the project would provide better building articulation, visual interest, a varied structural appearance, varied structure heights, archways and balconies, and a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped trellises, the surrounding area includes multi-storied structures, and the parking requirement can be met with parking access off of Bird Rock Avenue, the proposed deviations pursuant to Section 126.0602(B)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450 is hereby GRANTED by the Planning Commission to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450, a copy of which is attached hereto and made a part hereof.

Morris E. Dye
Development Project Manager
Development Services

Adopted on: May 22, 2008

Job Order No. 425482

cc: Legislative Recorder, Planning Department

5702 La Jolla Blvd.

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

PROCESS 2000
K Cook 8/19/98

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 98-0366
CHEVRON DEMOLITION
HEARING OFFICER

This Permit is granted by the Hearing Officer of the City of San Diego to CHEVRON USA, Owner/Permittee pursuant to Section 105.0202 of the Municipal Code of the City of San Diego. The 16,000 square foot site is located at 5702 La Jolla Boulevard in the La Jolla P.D.O. Zone 4 of the La Jolla Community Plan. The project site is legally described as Lots 16 and 17 of Birdrock, Map No. 1138.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner to Demolish existing service station described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated August 5, 1998 on file in the Office of Development Services. The project shall include:

- a. Demolition of existing 1,800 square foot service station
 - b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to Development Services; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.

5702 La Jolla Blvd.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated August 5, 1998, on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. a. No grading may occur on-site without a County Department of Environmental Health Permit.
- b. No impacts may occur to existing monitoring wells on-site without specific permission and a permit from the County Department of Environmental Health.
- c. Contaminated soil may be encountered three feet below grade. If any disturbance occurs to this area, a Community Health and Safety Plan per the County of San Diego's Department of Environmental Health "Site Assessment and Mitigation Manual" must be prepared to control odors and dust.
- d. Prior to issuance of the Coastal Development Permit, compliance with City Engineering Drainage Standards shall be ensured to the satisfaction of the City Engineer.
- e. Prior to the issuance of the Coastal Development Permit, the above mitigation monitoring and reporting program will require an additional deposit of \$450.00 to ensure the successful completion of the Mitigation, Monitoring and Reporting Program.

PLANNING/DESIGN REQUIREMENTS:

12. The regulations of the underlying zone(s) shall apply unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
13. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

LANDSCAPE REQUIREMENTS:

14. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the

5702 La Jolla Blvd.

equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

15. Exposed soil, after demolition, must be maintained with plant material, solid surface or other suitable covering for dust control.

APPROVED by the Hearing Officer of the City of San Diego on August 5, 1998.

H:\MSAPPS.FDEWINWORD\PERMCHEV.WPD

PERMIT SHELL/REVISED 6/10/98 -AVL

10. COMMITTEE REPORTS & CONSENT ITEMS:**A. COASTAL DEVELOPMENT PERMIT COMMITTEE. (C.D.P.) Mr. Phil Merten.**

1. Buckingham Residence.
2. Kearsarge Residence.
3. Muirlands Residence.

Motion: LaCava, Merten. To pull #2 Kearsarge Residence.
Kearsarge Residence will be heard next month.

Motion: See notes.

B. PLANNED DEVELOPMENT ORDINANCE COMMITTEE (P.D.O.) Mr. Joe LaCava.

No Report.

C. LA JOLLA SHORES PERMIT REVIEW COMMITTEE. (L.J.S.P.R.C.) Mr. Tony Espinoza

1. Peterson Residence.

Motion: Hayes, Lyon. To approve #1, the Peterson Residence.

Vote: 11-0-1. Motion approved.

D. TRAFFIC & TRANSPORTATION. (T & T) Mr. Joe LaCava.

1. Add striping on La Jolla Mesa Drive.
2. Parking Plan for La Jolla Shores.

Motion: LaCava, Andrews. To pull #2, the La Jolla Shores Parking Plan.
La Jolla Shores Parking Plan will be heard next month.

Motion & Second:

To adopt the Committee report, Item #1.

Vote: 12-1-0. Motion approved.

11. TORREY PINES ROAD UPDATE: Mr. Robert Thiele.

Mr. Thiele presented the project for the Torrey Pines Road Committee.

Discussion:

Motion: Thiele, Andrews. To approve the signal @ Princess Street to control Pedestrian crossing and left turn onto Princess Street only.

Additional turning movements would require Community review first.

Discussion:

Vote: 8-4-1. Motion approved.

12. HARTWELL RESIDENCE:

Withdrew project presentation due to time constraints.

13. BIRDROCK STATION: Mr. Mark Lyon. Mr. Lyon recused himself.

Mr. Lyon presented the Birdrock Station project.

Public Comment:

Trustee Discussion:

Motion: LaCava, Metcalf. To deny the "old design" because the findings for the P.D.P. cannot be made and direct the Applicant to go back to the Community to complete the "new design" and bring it back to the C.P.A.

Discussion:

Vote: 8-1-2. Motion approved.

Motion: Motion to adjourn the meeting.
Meeting Adjourned.

Next meeting the first Thursday of March 1st, 2007.



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

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title Project No. For City Use Only
BIRO ROCK STATION

Project Address:
5102 LA JOLLA BLVD.
LA JOLLA, CA 92037

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
MICHAEL KRAMBS
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
 5102 Camino de la Costa
 City/State/Zip:
 La Jolla CA 92037 858 459 1216
 Phone No: _____ Fax No: 916 320 3954

Signature: [Signature] Date: 10/12/05

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print):
Olga V. KRAMBS
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
 5102 Camino de la Costa
 City/State/Zip:
 La Jolla CA 92037 858 459 1216
 Phone No: _____ Fax No: 96302 3954

Signature: [Signature] Date: 10-12-05

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Bird Rock Mixed Use
PROJECT CHRONOLOGY
 PTS #87287 · JO# 425482

Date	Action	Description	City Review	Applicant Response
June 23, 2006	Project Deemed Complete	Applicant Submits Project		
July 31, 2006	City Issues Assessment Letter		1.0 month	
November 19, 2006		Applicant resubmits		4.0 months
December 8, 2006	City Issues Assessment Letter		1.0 month	
December 28, 2006		Applicant resubmits		1.0 month
January 25, 2007	City Issues Assessment Letter		1.0 month	
August 2, 2007		Applicant resubmits		6.0 months
November 7, 2007	City Issues Assessment Letter		3.0 months	
December 21, 2007		Applicant submits information		1.5 months
January 29, 2008	MND Draft Completed		1.0 month	
March 13, 2008	MND Finalled		1.5 months	
May 22, 2008	Project to Hearing		2.0 months	

<i>Total Staff Time (Average at 30 days per month):</i>	10.5 months
<i>Total Applicant Time (Average at 30 days per month):</i>	11.5 months
<i>Total Project Running Time (Years/Months/Days):</i>	22 months