



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 14, 2009      **REPORT NO.** PC-09-038

**ATTENTION:** Planning Commission, Agenda of May 21, 2009

**SUBJECT:** LA JOLLA CONDOMINIUMS - PROJECT NO. 80161. PROCESS 5

**OWNER/  
APPLICANT:** Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owners/ Mr. Gary Cohn of Cohn & Associates, Architect

### SUMMARY

**Issue(s):** Should the Planning Commission recommend approval to the City Council of a proposal to demolish an existing apartment building, abandon/relocate an existing storm drain easement, and construct a three story, eight dwelling unit residential condominium development within the La Jolla Community Plan Area?

### Staff Recommendation:

1. **Recommend** City Council **Certification** of the Mitigated Negative Declaration No. 80161, and Adoption of the Mitigation Monitoring and Reporting Program; and
2. **Recommend** City Council **Approval** of Coastal Development Permit No. 250308 and Site Development Permit No. 250310; and
3. **Recommend** City Council **Approval** of Tentative Map No. 644820 with Easement Abandonment No. 397702.

**Community Planning Group Recommendation:** On August 7, 2007, the La Jolla Community Planning Association voted 15-0-0, to recommend approval of this project with a condition that no structure or landscape block the neighbor to the north's access to light and ventilation and that the project design handle its own drainage. The project's design has incorporated both of these conditions.

**Environmental Review:** A Mitigated Negative Declaration (Project No. 80161) has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines; and a Mitigation, Monitoring and Reporting Program (MMRP) would be implemented to reduce the potential impacts to Historical Resources (Archaeology) and Paleontology to a level below significance.

**Fiscal Impact Statement:** None. All costs associated with processing of this application are paid for by the applicant.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The project proposes demolition of twelve existing apartment units and construction of eight new residential dwelling units. There would be a loss of four residential dwelling units. The project is subject to the inclusionary housing requirements which is a condition of the Tentative Map (Attachment 6) and the Coastal Development Permit. The proposed project is required to pay a Coastal Housing Replacement in-lieu fee, calculated at \$111,200.

## **BACKGROUND**

The 14,987 square foot site contains a two-story, twelve dwelling unit apartment building built in 1951, located at 7570 La Jolla Boulevard, within Zone 5 of the La Jolla Planned District, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay, Transit Overlay and the Beach Parking Impact Overlay Zones. This site is located within a well established urbanized area of La Jolla and is designated as Multi-Family Residential (15-30 DU/Acre) by the La Jolla Community Plan (Attachment 2). The surrounding area is developed primarily with multi-family residential, the Bishop's School to the east and commercial development slightly to the south. A Coastal Development Permit is required, by the Land Development Code (Section 126.0702), for the proposed development on property within the Coastal Overlay Zone. A Site Development Permit is required, by the Land Development Code (Section 103.1204), for proposed development on a site within the La Jolla Planned District. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed lot consolidation and division of the property into eight residential condominium dwelling units; and an Easement Abandonment is required, by the Land Development Code (Section 125.1001), in order to relocate the existing storm drain easement to accommodate the proposed building footprint design of this project.

## **DISCUSSION**

### **Project Description:**

The project proposes to demolish the existing twelve unit residential apartment building, abandon/relocate the existing storm drain easement and construct a three-story, eight residential dwelling unit condominium building with a subterranean garage to total approximately 19,795 square feet of gross floor area on a 14,987 square foot property. All of the units are designed to be three-bedroom units ranging in size from 2,023 square-feet to 2,227 square feet. The project

has a total of eighteen off-street parking spaces designed within a subterranean garage accessible from the front off La Jolla Boulevard. Currently the storm drain and storm drain easement bisect the lot diagonally, within the proposed building footprint. In order to facilitate the proposed building footprint the storm drain and easement need to be abandoned and relocated. After it is relocated the storm drain easement will still serve the public's needs and the required Easement Abandonment Findings can all be made in the affirmative. The project conforms to all of the development regulations of Zone 5 of the La Jolla Planned District and Coastal Overlay Zone.

The proposed building elevations indicate the use of cement plaster exterior walls with precast concrete columns, metal railings, exposed wood cornices and vinyl windows and doors. The project proposes approximately 3,000 cubic yards of cut grading for the subterranean garage and building foundation, with 2,850 cubic yards to be exported and 150 cubic yards as fill material on-site. The project is designed to comply with the 30 foot height limit.

The project site is located just north of the intersection of La Jolla Boulevard and Ravina Street in an area where La Jolla Boulevard is not designated as a public view corridor, as identified within the La Jolla/La Jolla Shores Local Coastal Program. The proposed residential structure meets the development setbacks and height limit required by the underlying zone. Vehicular access to the property will be provided from the existing streets at the front of the property along La Jolla Boulevard with a 20 foot wide driveway. The existing perimeter sidewalks and the driveway will be reconstructed to current standards; however the basic pattern and design will remain the same. Thus, the existing streetscape adjacent to the project from a pedestrian standpoint will remain unaltered.

#### **General/Community Plan Analysis**

The proposed project is located at 7570 La Jolla Boulevard. The 0.34 acre subject parcel is designated for multi-family residential land use with a density of 15-30 dwelling units per acre. Based on this land use designation, the project site would allow 10 new dwelling units. The project is proposing to build 8 residential units. Therefore the proposed density is consistent with the La Jolla Community Plan. The community plan describes this density range as taking the form of townhomes and low-scale apartments. There are no variances or deviations requested with this project.

The Residential Element of the La Jolla Community Plan recommends as one of the key goals to "Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures." The community plan also recommends and supports the use of energy efficient technology within new residential projects. The applicant proposes to incorporate energy efficient appliances and technology within the project such as low flow water fixtures, energy conserving lighting, high efficiency water heaters, all Title 24 requirements, and this will be ensured through a permit condition (Attachment 9 Condition No. 29).

The General Plan recommends improving mobility through development of a balanced transportation system that addresses walking, bicycling transit and roadways in a manner that strengthens the City of Villages land use vision. The project provides residential uses which are

located within the La Jolla village area. This would facilitate pedestrian circulation within the village. The Urban Design Element recommends creating street frontages with architectural and landscape interest for both pedestrians and neighboring residents. It also recommends maintaining existing setback patterns and ground level entries and to ensure that building entries are prominent and visible.

The proposed project is located on a site that is relatively flat and would fit into the existing community character. The project proposes to preserve the mature streetscapes, proposes varying levels of architectural styles, would offset the building façade facing the street and would include subterranean parking in the garage. The proposed parking design would screen residential parking from public view. Staff supports the proposed project and recommends approval.

### **Project-Related Issues:**

The Community Planning Group's recommendation included a condition that no structure blocks the neighbor to the north's access to light and air and also raised concerns about site drainage. The applicant has met with this neighbor to the north and has incorporated changes to address their concerns into the project's current design.

### **Affordable Housing:**

This project is subject to the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. On February 14, 2003, the San Diego Housing Commission completed a tenant income survey of the existing residents which found one studio unit and two one-bedroom units occupied by *low-income* households and one studio unit occupied by a *moderate-income* household. The applicant must set aside four replacement units affordable to low and moderate-income households for a period of five years or pay a Coastal In-Lieu fee of \$111,200 pursuant to the Coastal Affordable Housing Replacement regulations of the Municipal Code (Sections 143.0810 through 143.0860).

In addition, this project is subject to the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13. The Inclusionary Housing in-lieu fee would be \$72,251.75 based on 19,795 square feet of living space at the rate of \$3.65/square foot.

For projects that have both Inclusionary Housing and Coastal Affordable Housing requirements, the project is only subject to the more stringent of the two requirements, not both. In this case, the Coastal In-Lieu fee of \$111,200 is more stringent.

### **Environmental Analysis:**

The City of San Diego conducted an Initial Study, which determined that the proposed project construction could potentially result in significant but mitigable impacts in the areas of Historical Resources (Archaeology) and Paleontology. Mitigated Negative Declaration Number 80161 was prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts



(CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program would be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process. Further information on the environmental resources considered during the environmental review can be found in the Discussion Section of Mitigated Negative Declaration Number 80161.


**Conclusion:**

The Coastal Development Permit, Site Development Permit and Tentative Map with Easement Abandonment are a Process Five, Planning Commission recommendation to City Council pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. The Coastal Development Permit, Site Development Permit and Tentative Map with Easement Abandonment for this project may be recommended for approval if the decision maker finds that the proposed development and division of land complies with the requirements of the Coastal Development regulations, the La Jolla Planned District, Subdivision Map Act and any other applicable sections of the San Diego Municipal Code. Staff has reviewed the proposed project and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Tentative Maps and land use policies. Staff has determined that the required findings can be made. Staff recommends approval of the project as proposed.

**ALTERNATIVES**

1. Recommend that the City Council **Certify** Mitigated Negative Declaration No. 80161 and **Adopt the** Mitigation, Monitoring and Reporting Program; and **Approve** Coastal Development Permit No. 250308, Site Development Permit No. 250310, Tentative Map No. 644820 and Easement Abandonment No. 397702, with modifications.
2. Recommend that the City Council **Not Certify** Mitigated Negative Declaration No. 80161 and **Not Adopt** the Mitigation, Monitoring and Reporting Program; and **Deny** Coastal Development Permit No. 250308, Site Development Permit No. 250310, Tentative Map No. 644820 and Easement Abandonment No. 397702, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Glenn Gargas  
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
6. Tentative Map
7. Building Elevations
8. Landscape Plan
9. Draft CDP/SDP Permit
10. Draft CDP/SDP Resolution
11. Draft Tentative Map Conditions and Subdivision Resolution
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Project Chronology



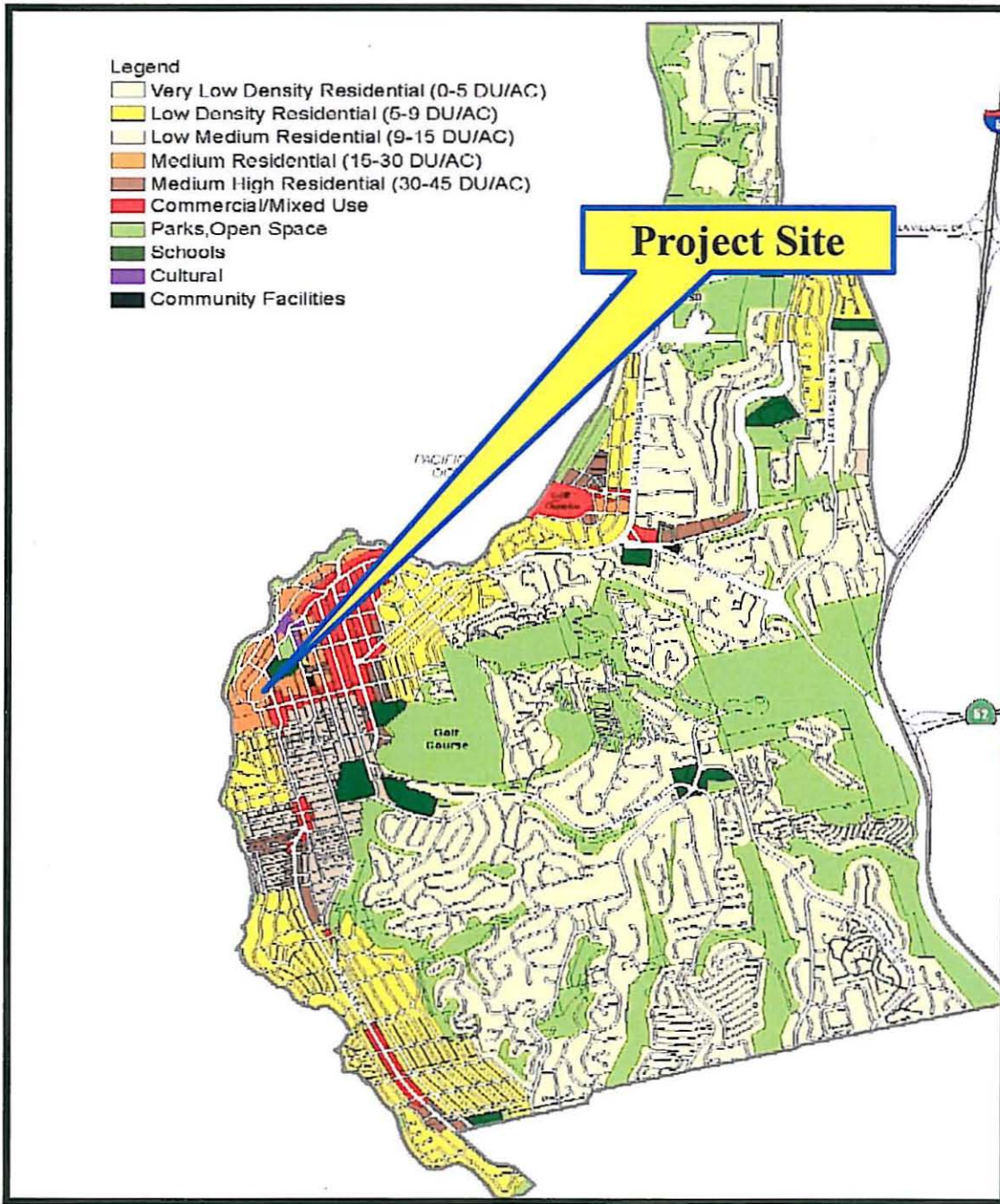


**Aerial Photo**

**LA JOLLA CONDOMINIUMS – 80161**  
7075 La Jolla Blvd.



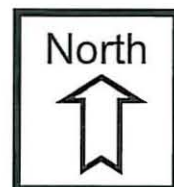




## Land Use Map

LA JOLLA CONDOMINIUMS – 80161

7570 La Jolla Bl







## Project Location Map

**LA JOLLA CONDOMINIUMS – 80161**  
**7570 La Jolla Bl**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	La Jolla Condominiums	
<b>PROJECT DESCRIPTION:</b>	Demolition of the existing apartment building, abandonment/relocation of an existing storm drain easement and construction of a new three-story, eight dwelling unit condominium building with a subterranean garage.	
<b>COMMUNITY PLAN AREA:</b>	La Jolla	
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit, Site Development Permit, Tentative Map & Easement Abandonment.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Medium Density Residential (15-30 DU/AC)	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> Zone Five: La Jolla Planned District (A multi-family residential zone that permits up to 29 dwelling unit per net acre)		
<b>HEIGHT LIMIT:</b> 30-Foot maximum height limit.		
<b>LOT SIZE:</b> 14,987 square foot.		
<b>FLOOR AREA RATIO:</b> 1.32 proposed (1.50 max. allowed).		
<b>FRONT SETBACK:</b> 15 feet.		
<b>SIDE SETBACK:</b> 7 feet.		
<b>STREETSIDE SETBACK:</b> NA.		
<b>REAR SETBACK:</b> 15 feet.		
<b>PARKING:</b> 18 parking spaces required, 18 parking spaces provided.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; Zone 5.	Multi-Family Residential
<b>SOUTH:</b>	Multi-Family Residential; Zone 5.	Multi-Family Residential
<b>EAST:</b>	Multi-Family Residential; Zone 4, 5 & 6.	Bishop's School & Multi-Family Residential
<b>WEST:</b>	Multi-Family Residential; Zone 5.	Multi-Family Residential
<b>DEVIATIONS OR</b>	None	

<b>VARIANCES REQUESTED:</b>	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On August 7, 2007, the La Jolla Community Planning Association voted 15-0-0, to approve this project, with a condition that no structure or landscape block the neighbor to the north's access to light and ventilation and the project handle its own drainage.



**NOTES**

**HEIGHT NOTE:**  
THE PROJECT MUST COMPLY WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 40 FEET ABOVE FINISHED GRADE. HEIGHT FROM AN ADJACENT STREET TO THE TOP OF THE STRUCTURE SHALL NOT EXCEED 40 FEET ABOVE FINISHED GRADE. HEIGHT FROM THE TOP OF THE STRUCTURE TO THE TOP OF THE ROOF SHALL NOT EXCEED 10 FEET ABOVE FINISHED GRADE.

**BUILDING NUMBER NOTE:**  
PROVIDE BUILDING ADDRESS NUMBER, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY FOR FIRE DEPARTMENT AND ALL OTHER AGENCIES.

**FIRE DEPT. NOTE:**  
FIRE DEPARTMENT VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELLS ARE TO BE LOCATED BY THE ADDRESS ACCORDING TO THE STRUCTURE IFC CODES.

**BMP NOTE:**  
PRIOR TO THE BEGINS OF ANY CONSTRUCTION PROJECT, THE SUBSOVEREIN SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (BMP) REGULATIONS OF THE SAN DIEGO MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

**MGPC NOTE:**  
PRIOR TO THE BEGINS OF ANY CONSTRUCTION PROJECT, THE SUBSOVEREIN SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (MGPC) REGULATIONS OF THE SAN DIEGO MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

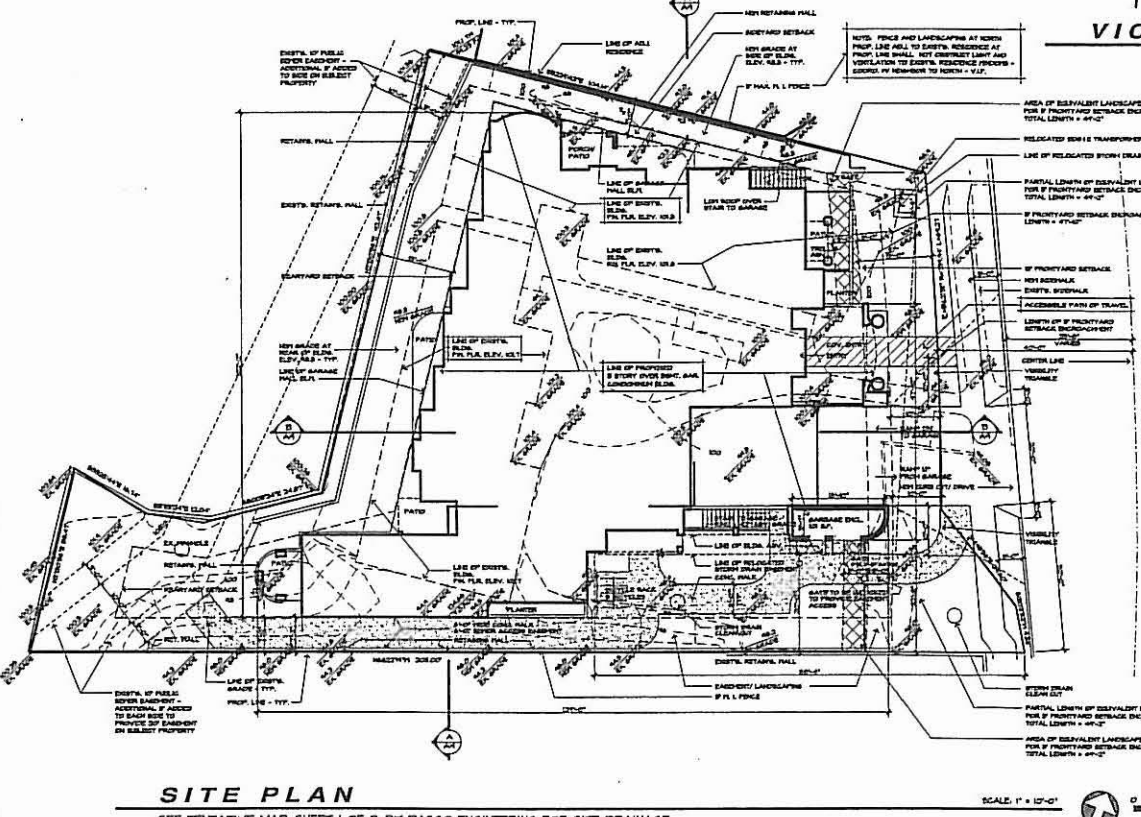
**DRIVE VISIBILITY NOTE:**  
NO OBSTACLES HIGHER THAN 34" FEET SHALL BE PROVIDED IN THE VISIBILITY AREAS.



**FIRE HYDRANT PLAN** NO SCALE



**VICINITY MAP** NO SCALE



**SITE PLAN**  
SEE TENTATIVE MAP, SHEET 1 OF 2, BY PASCO ENGINEERS FOR SITE DRAINAGE

SCALE: 1" = 10'-0"  
0 5 10 20

PREPARED BY:	REVISION 14:
NAME: GORN + ASSOCIATES	REVISION 13:
ADDRESS: 3840 STEVENSON AVENUE	REVISION 12:
SUITE 207	REVISION 11:
PO BOX 4	REVISION 10:
LA JOLLA, CA 92037	REVISION 9:
PROJECT ADDRESS:	REVISION 8:
7310 LA JOLLA BLVD	REVISION 7:
LA JOLLA, CA	REVISION 6:
PROJECT NAME:	REVISION 5:
LA JOLLA CONDOMINIUMS	REVISION 4:
SHEET TITLE:	REVISION 3:
SITE PLAN	REVISION 2:
	REVISION 1:
DATE:	ORIGINAL DATE:
BY:	DATE:

**GORN + ASSOCIATES ARCHITECTURE PLANNING**  
ARCHITECTS AND PLANNERS  
10100 LA JOLLA BLVD, SUITE 207, LA JOLLA, CA 92037  
TEL: 619-453-8888

**LA JOLLA CONDOMINIUMS**  
7310 LA JOLLA BOULEVARD  
LA JOLLA, CALIFORNIA


DATE: 11/01/07  
SCALE: 1" = 10'-0"  
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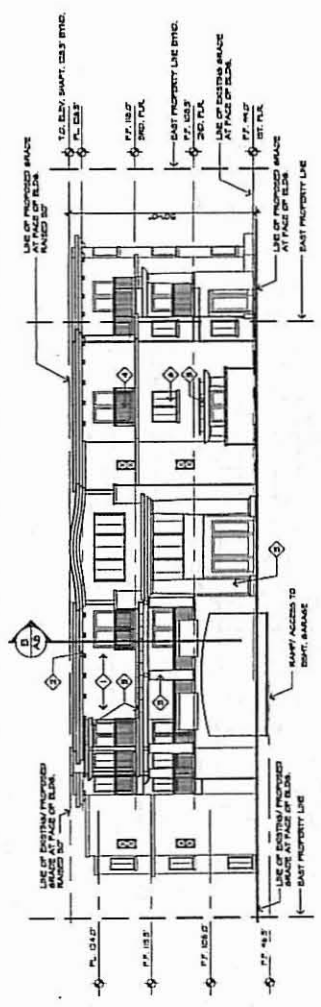


**LA JOLLA CONDOMINIUMS**  
7570 LA JOLLA BOULEVARD LA JOLLA, CALIFORNIA

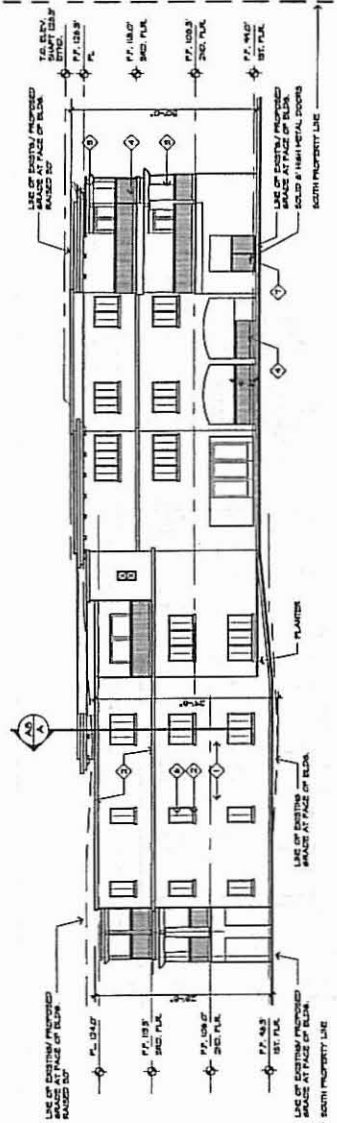
**COHN + ASSOCIATES**  
ARCHITECTURE PLANNING  
10000 LA JOLLA BOULEVARD, SUITE 1000  
LA JOLLA, CALIFORNIA 92037  
TEL: 442-1111 FAX: 442-1112


  
 PREPARED BY: ARCHITECT  
 DATE: 10/11/97  
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MATERIAL & COLOR SCHEDULE	
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3. PRECAST CONC. BAL.	BEIGE GREY
4. METAL BALCONY	LIGHT BRONZE
5. EXPOSED BRICK	WHITE
6. VINYL WINDOW DOORS	TAN
7. METAL DOORS	TAN



**EAST**



**SOUTH**

**EXTERIOR ELEVATIONS**



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

7570 LA JOLLA BOULEVARD  
LA JOLLA, CALIFORNIA

**LA JOLLA CONDOMINIUMS**

**COHN + ASSOCIATES**  
ARCHITECTURE PLANNING

REGISTERED ARCHITECT  
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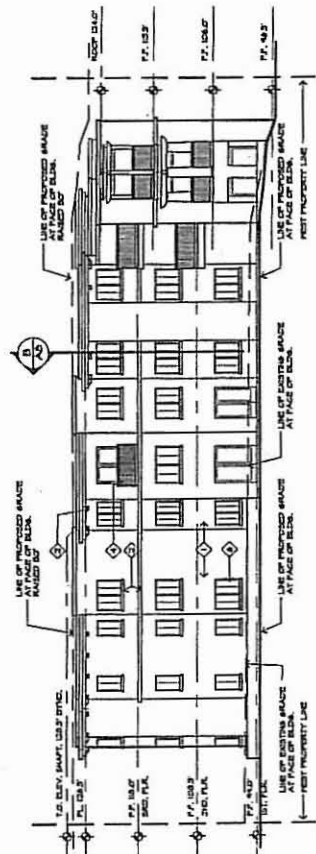
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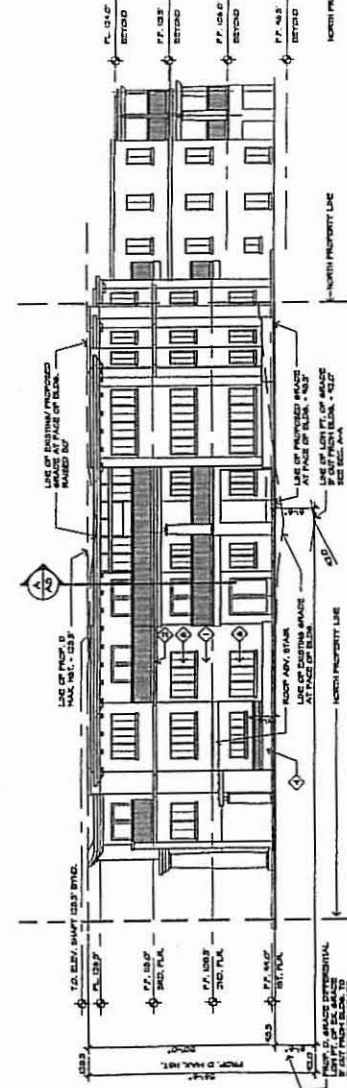
PROJECT ADDRESS: LA JOLLA CONDOMINIUMS  
CITY: SAN DIEGO  
COUNTY: SAN DIEGO

SHEET 15-00000000  
OF 15-00000000

MATERIAL & COLOR SCHEDULE	COLOR
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WEST



NORTH

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"



ALDES  
LANDSCAPE  
ARCHITECTURE INC.  
710 N. 115th  
DENVER, COLORADO 80227  
303.733.7800  
al@alandscape.com

PROJECT NO. 201404  
DATE 12/22/14

LANDSCAPE PLAN  
FOR

La Jolla  
Condominiums

1770 La Jolla Village  
San Diego, California

SCALE: AS SHOWN

SHEET

L-1

PROJECT NO. 201404

DATE 12/22/14

LANDSCAPE PLAN  
FOR

La Jolla  
Condominiums

1770 La Jolla Village  
San Diego, California

SCALE: AS SHOWN

SHEET

L-1

PROJECT NO. 201404

DATE 12/22/14

LANDSCAPE PLAN  
FOR

La Jolla  
Condominiums

1770 La Jolla Village  
San Diego, California

SCALE: AS SHOWN

SHEET

L-1

PROJECT NO. 201404

DATE 12/22/14

LANDSCAPE PLAN  
FOR

La Jolla  
Condominiums

1770 La Jolla Village  
San Diego, California

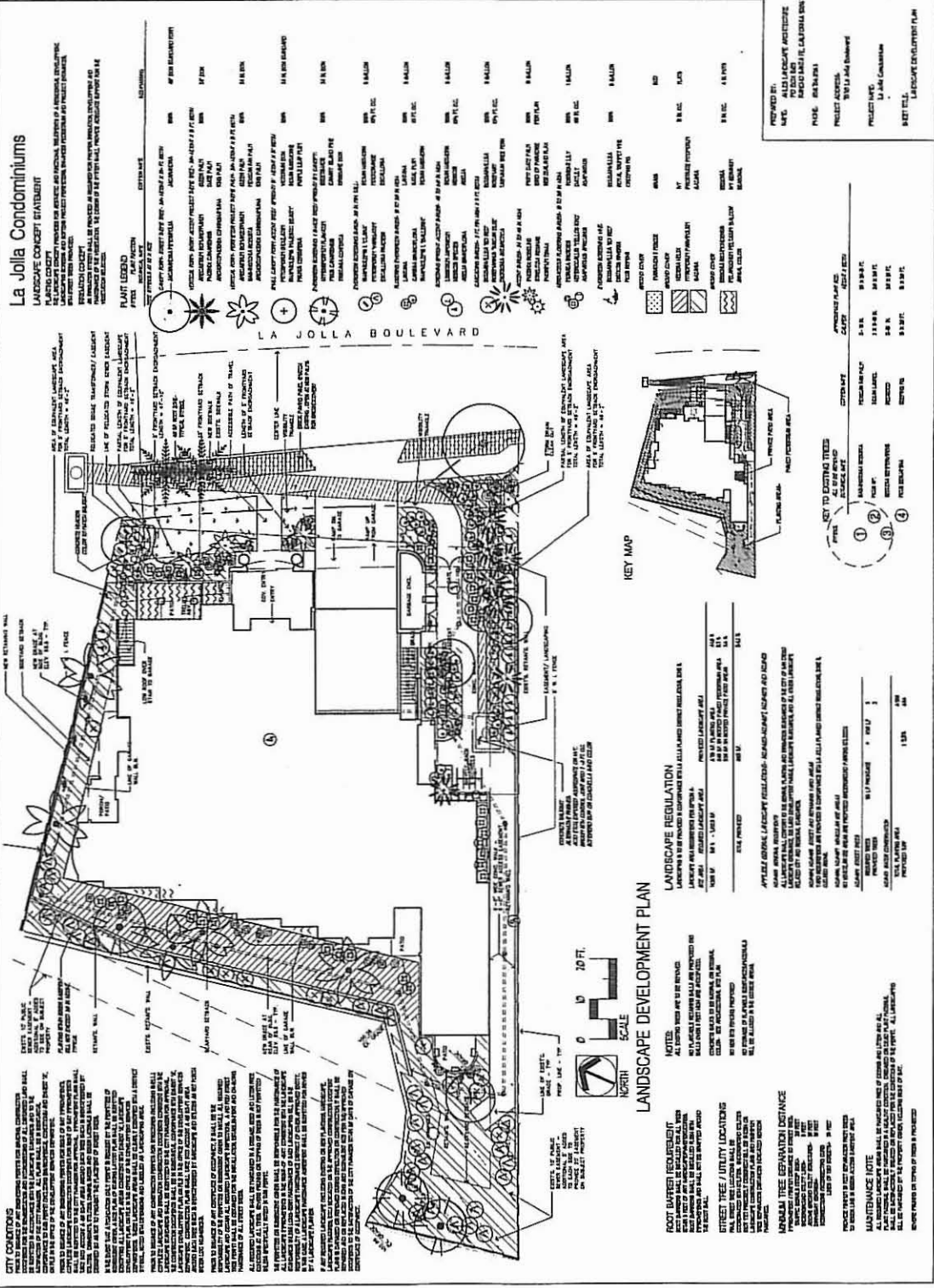
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PROJECT NO. 201404

DATE 12/22/14



**APPROVED PLANT SPECIES**

SYMBOL	PLANT NAME	QUANTITY
(Symbol 1)	AGAVE	5-8K
(Symbol 2)	AGAVE	12-18K
(Symbol 3)	AGAVE	3-8K
(Symbol 4)	AGAVE	3-8K

**LANDSCAPE REGULATION**

LANDSCAPING SHALL BE CONFORMANT WITH ALL APPLICABLE ORDINANCES, INCLUDING BUT NOT LIMITED TO THE CITY OF SAN DIEGO LANDSCAPE REGULATION. THE LANDSCAPE PLAN SHALL BE APPROVED BY THE CITY ENGINEER AND THE SAN DIEGO PLANNING COMMISSION.

**NOTES**

ALL PLANTINGS SHALL BE CONFORMANT WITH THE CITY OF SAN DIEGO LANDSCAPE REGULATION. THE LANDSCAPE PLAN SHALL BE APPROVED BY THE CITY ENGINEER AND THE SAN DIEGO PLANNING COMMISSION.

**MAINTENANCE NOTE**

THE LANDSCAPE PLAN SHALL BE MAINTAINED AS SHOWN. ALL PLANTINGS SHALL BE MAINTAINED AS SHOWN. ALL PLANTINGS SHALL BE MAINTAINED AS SHOWN.

**KEY TO COLORING CODES**

COLOR	DESCRIPTION
(Color 1)	PLANTING AREA
(Color 2)	PLANTING AREA
(Color 3)	PLANTING AREA
(Color 4)	PLANTING AREA

**LANDSCAPE REGULATION**

LANDSCAPING SHALL BE CONFORMANT WITH ALL APPLICABLE ORDINANCES, INCLUDING BUT NOT LIMITED TO THE CITY OF SAN DIEGO LANDSCAPE REGULATION. THE LANDSCAPE PLAN SHALL BE APPROVED BY THE CITY ENGINEER AND THE SAN DIEGO PLANNING COMMISSION.

**NOTES**

ALL PLANTINGS SHALL BE CONFORMANT WITH THE CITY OF SAN DIEGO LANDSCAPE REGULATION. THE LANDSCAPE PLAN SHALL BE APPROVED BY THE CITY ENGINEER AND THE SAN DIEGO PLANNING COMMISSION.



**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5012

**COASTAL DEVELOPMENT PERMIT NO. 250308  
AND SITE DEVELOPMENT PERMIT NO. 250310  
LA JOLLA CONDOMINIUMS - PROJECT NO. 80161 (MMRP)  
CITY COUNCIL**

This Coastal Development Permit No. 250308 and Site Development Permit No. 250310 is granted by the City Council of the City of San Diego to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.344 acre site is located at 7570 La Jolla Boulevard in the Zone 5 of La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit, Beach Parking Impact Overlay Zones within the La Jolla Community Plan area. The project site is legally described as portion of Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing apartment building and construct a three-story, eight residential dwelling unit condominium building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June \_\_\_, 2009, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing apartment building and construction of a three-story, eight dwelling unit residential condominium structure to total approximately 19,795 square feet of gross floor area on a 0.344 acre property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking (subterranean parking garage with 18 parking spaces);

- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
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, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify 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. 80161, 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 Mitigated Negative Declaration, No. 80161, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

**Historical Resources (Archaeology) and Paleontology**

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.

**AFFORDABLE HOUSING REQUIREMENTS:**

15. Prior to building permit issuance, the Coastal Housing Replacement in-lieu fee, calculated at \$111,200 shall be paid to the Housing Commission, subject to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

16. The Coastal Development Permit and Site Development Permit shall comply with the conditions of the final map for La Jolla Condominiums Tentative Map No. 644820.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

20. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

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

22. Prior to the issuance of any building permit, the Owner/Permittee 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 the receipt of public stormwater runoff from the La Jolla Boulevard right-of-way, satisfactory to the City Engineer.

23. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of a 20' wide City Standard driveway and replacement of the cracked/uplifted portions of sidewalk, maintaining the existing scoring pattern and preserving any contractor's stamp, adjacent to the site on La Jolla Boulevard, satisfactory to the City Engineer.

24. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the brick pavers in the La Jolla Boulevard right-of-way.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway curb cut and replacement of all existing curb with City Standard full height curb and gutter, adjacent to site on La Jolla Boulevard, satisfactory to the City Engineer.

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

27. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the realignment of the existing 60" RCP storm drain pipe, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of the proposed 60" RCP storm drain line with water-tight joints and 1 standard and 1 modified A-8 storm drain cleanout. The modified A-8 storm drain cleanout shall be constructed with an intermediate landing platform, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permits, the Owner/Permittee shall grant a storm drain easement along the easterly property line, sufficient to provide a 10' clearance from the edge of the proposed storm drain to the edge of the easement, and a 20' wide easement along the proposed storm drain adjacent to the southerly property line.

30. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA) for the private storm drain lines, drain inlets, paved walkways, driveway, bicycle racks, and landscaping within the storm drain easement.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate additional right-of-way at the southeasterly portion of the site to maintain the 14' curb to property line distance along La Jolla Boulevard.

32. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

33. This project proposes to export 3,450 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

**LANDSCAPE REQUIREMENTS:**

34. 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.

35. 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.

36. 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.'

37. 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.

38. 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.

39. 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.

40. 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.

41. 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:**

42. No fewer than eighteen (18) 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.

43. 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.

44. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

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

46. Provide energy efficiency and renewable energy technologies during construction, or, make such technologies available to prospective buyers through marketing materials within the sales office. Examples of acceptable technologies include but are not limited to: solar generation for electricity & hot water, 'energy star' rated appliances, and use of compact fluorescent light bulbs. Copies of the marketing materials shall be provided to the City Manager prior to issuance of building permit.

**TRANSPORTATION REQUIREMENTS**

47. 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.

**WASTEWATER REQUIREMENTS:**

48. Prior to the issuance of any building permits, the owner/permittee shall grant adequate sewer, and/or access easements for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director. The access roads shall be surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.

49. No structures or landscaping that would inhibit access shall be installed in or over any sewer access easement.
50. No approved structures or landscaping, including private utilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
51. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
52. Prior to the issuance of any engineering or building permits, the owner/permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
53. The owner/permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
54. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

**WATER REQUIREMENTS:**

55. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.
56. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
57. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.
58. 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. Public water facilities shall be modified at final engineering to comply with standards.



**GEOLOGY REQUIREMENT:**

59. Additional geotechnical review will be required as part of the ministerial permit issuance process when a building or grading permit is required for this project.

**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 City Council of the City of San Diego on June \_\_\_\_, 2009, by Resolution No.

\_\_\_\_\_.

CITY COUNCIL RESOLUTION NO. \_\_\_\_  
COASTAL DEVELOPMENT PERMIT NO. 250308 &  
SITE DEVELOPMENT PERMIT NO. 250310  
**LA JOLLA CONDOMINIUMS - PROJECT NO. 80161**

WHEREAS, Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing apartment building, abandon an existing storm drain easement and construct a three-story, eight residential dwelling unit condominium development (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 250308 & 250310), on portions of a 14,987 square foot property;

WHEREAS, the project site is located at 7570 La Jolla Boulevard in Zone 5 of the La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit and Beach Parking Impact Overlay Zones within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352; and

WHEREAS, on June \_\_\_, 2009, the City Council of the City of San Diego considered Coastal Development Permit No. 250308 and Site Development Permit No. 250310 pursuant to the Land Development Code of the City of San Diego;

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

That the City Council adopts the following written Findings, dated June \_\_\_, 2009.

FINDINGS:

**Coastal Development Permit - Section 126.0708**

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

The 14,987 square foot project site is currently developed with an existing twelve unit apartment building constructed in 1951 and subject property has been fully disturbed by this existing development. This project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The proposed residential development is designed to be contained within the existing legal lot area (two lots to be consolidated by the associated TM), which will not encroach upon any existing or proposed physical access to the coast. The project site is not located along the First Public Roadway. The project site is located along the west side of La Jolla Boulevard, which is not identified within the La Jolla/La Jolla Shores Local Coastal Program as being adjacent to or containing a public view. Staff has analyzed the proposed new condominium

structure and concluded that the structure does not impact any of the identified public views and the project as design was found to be in conformance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well established, fully developed multi-family residential area of La Jolla. The proposed new residential condominium developed meets the development setbacks and height limit required by the underlying zone and the proposed development will not negatively impact any identified public view.

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

The 14,987 square foot project site is currently developed with a twelve unit apartment building, and does not contain any form of environmentally sensitive lands, except for the potential of buried archaeological or paleontological resources. The development proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. Thus, with the implementation of Mitigation Monitoring and Reporting Program the proposed project should not adversely affect environmentally sensitive lands. The project's permit also includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The project proposes approximately 3,000 cubic yards of cut grading for the foundation and subterranean garage of the residential structure, located primarily within the area of the existing apartment building which was previously disturbed, and will not result or propose any further encroachment into Environmentally Sensitive Lands.

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

The proposed development is to demolish an existing twelve unit apartment building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential land use designation by the La Jolla Community Plan. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of Zone 5 of the La Jolla Planned District and Coastal Overlay Zone. The project site is located along the west side of La Jolla Boulevard, which is not identified within the La Jolla/La Jolla Shores Local Coastal Program as being adjacent to or containing a public view. Staff has analyzed the proposed new condominium structure and concluded that the structure does not impact any of the identified public views and the project as design was found to be in



conformance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well established, fully developed multi-family residential area of La Jolla. The proposed redeveloped as an eight residential dwelling unit condominium building meets the development setbacks and height limit required by the underlying zone and the proposed development will not negatively impact any identified public view. Due to these factors the proposed condominium development was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan and General Plan.

**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 14,987 square foot site, currently developed with an existing twelve unit apartment building, is located within a well developed multi-family residential area of La Jolla approximately three blocks from the coastline. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the residential re-development of this site. The proposed eight dwelling unit condominium project is designed to take access off the existing public streets, with adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered.

**Site Development Permit - Section 126.0504**

**1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential (15-30 dwelling units per acre) land use designation by the La Jolla Community Plan. The existing street improvements along with the proposed development, its associated site improvements, and corresponding development intensity comply with the development regulations, standards, and policies in effect for the project site per the La Jolla Planned District Ordinance, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, the underlying Zone 5 of the La Jolla Planned District, and all other City regulations, policies, guidelines, design standards and adopted land use applicable to this site. The use as an eight dwelling unit residential condominium is a permitted use by the Zone 5 of the La Jolla Planned District as a permanent use with the approval of a Site Development Permit. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant land use intensity and site design.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The permit for this project includes a number of conditions of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code in effect for this site to assure that the project will not adversely affect the health, safety and general welfare of

the persons residing or working in the area. These conditions include a requirement to submit and comply with a Water Pollution Control Plan, a requirement to maintain a minimum of eighteen off-street parking spaces and control of exterior lighting.

The project's permit includes a condition requiring compliance with the State Water Resources Control Board and the Municipal Storm Water Permit by the City Engineer in order to meet the City's Storm Water Standards during construction of this facility. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontology. A Mitigated Negative Declaration No. 80161 was prepared in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontology, to reduce the potential impacts to a level below significance. The environmental review included analysis of public health, safety and welfare. There were no significant impacts were identified for public health, safety and welfare by the Mitigated Negative Declaration.

The continued use of this site for a multi-family residential use is consistent with the existing character of the surrounding area and the medium density multi-family residential land use designation of the La Jolla Community Plan and therefore, the project will not be detrimental to the public health, safety and welfare.

### **3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The project proposes to demolish the existing building and construct a three-story, eight residential dwelling unit condominium building, to total approximately 19,795 square-feet of gross floor area. The project is located on a site which has a Medium Density Multi-Family Residential land use designation by the La Jolla Community Plan. The existing street improvements along with the proposed development, its associated site improvements, and corresponding development intensity comply with the development regulations, standards, and policies in effect for the project site per the La Jolla Planned District Ordinance, the La Jolla Community Plan, the La Jolla/La Jolla Shores Local Coastal Plan, the underlying Zone 5 of the La Jolla Planned District, and all other City regulations, policies, guidelines, design standards and adopted land use applicable to this site. The use as an eight dwelling unit multi-family residential condominium is a permitted use by the Zone 5 of the La Jolla Planned District. Therefore, the proposed project and its associated site improvements fully satisfy the general intent of the La Jolla Community Plan relevant land use density and site design.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Coastal Development Permit No. 250308 and Site Development Permit No. 250310 are hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 250308, 250310 and 397702, a copy of which is attached hereto and made a part hereof.

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Glenn R. Gargas, AICP  
Development Project Manager  
Development Services

Adopted on: June \_\_\_\_, 2009

Job Order No. 42-5012

cc: Legislative Recorder, Development Services Department

CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_  
TENTATIVE MAP NO. 644820  
EASEMENT ABANDONMENT NO. 397702  
**LA JOLLA CONDOMINIUMS - PROJECT NO. 80161 (MMRP)**  
**DRAFT**

WHEREAS, Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Applicant/Subdivider, and William J. Suiter, Pasco Engineering submitted an application with the City of San Diego for a Tentative Map, No. 644820, with Easement Abandonment No. 397702, for the demolition of an existing apartment building, abandonment/relocation of an existing storm drain easement and construction of a, three-story, eight dwelling unit condominium development. The project site is located at 7570 La Jolla Boulevard in the Zone 5 of La Jolla Planned District, Coastal (non-appealable), Coastal Height Limit, Transit and Beach Parking Impact Overlay Zones within the La Jolla Community Plan area. The project site is legally described as portion of Lots 17 and 18, Block 15, La Jolla Park Addition, Map No. 352; and

WHEREAS, the Map proposes the subdivision of a 0.34 acre site into one lot for a 8 dwelling unit residential condominium development; and

WHEREAS, Mitigated Negative Declaration, Project No. 80161, has been prepared for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is eight (8); and

WHEREAS, on May 21, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 644820 with Easement Abandonment No. 397702, and pursuant to Resolution No. \_\_\_\_\_-PC voted to \_\_\_\_\_ "recommend City Council approval of the map"; and

WHEREAS, on June \_\_\_\_\_, 2009, the City Council of the City of San Diego considered Tentative Map No. 644820 with Easement Abandonment No. 397702, and pursuant to Sections 125.0440, and 125.1001 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,



BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No.644820 with Easement Abandonment No. 397702:

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).
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. The property contains a drainage easement which must be vacated to implement the final map in accordance with San Diego Municipal Code section 125.0430; and the City Council finds that :
  - (a) there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
  - (b) the public will benefit from the vacation through improved utilization of land; and
  - (c) the vacation is not inconsistent with the General Plan, the approved Community Plan, or the Local Coastal Program; and
  - (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation.
10. The developer will continue to be required to underground any new service run to the proposed structures within the subdivision.
11. 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 City Council, Tentative Map No. 644820 with Easement Abandonment No. 397702, is hereby granted to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, Applicant/Subdivider, subject to the following conditions:

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), portions of the existing storm drain easement, located within the project boundaries as shown in Tentative Map No. 644820, shall be abandoned and relocated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED; pursuant to California Government Code section 66434(g), the drainage easement recorded September 20, 1948 as Document No. 93366 in Book 2952 page 365, located within the project boundaries as shown in Tentative Map No. 250309, shall be vacated, contingent upon the recordation of the approved final map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Map No. 644820 is granted to Victor and Lonio Chan, Hong Rong and Ru Lien Chen, Yun Long and Ya Chin Chen, Grace Lai, Chi Shiang and Wan Yu Chen, Shen Sho and Wan Shun Tseng, Haisin and Wanshu Lee, Albert Y. C. and Jih Jing Hong, subject to the conditions attached hereto and made a part hereof.

**GENERAL**

1. This Tentative Map will expire on June \_\_\_\_, 2012.
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 Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. 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
5. The Final Map, shall conform to the provisions of Coastal Development Permit No. 250308 and Site Development Permit No. 250310.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

7. Prior to recordation of the Final Map the Subdivider 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) by paying an Coastal Affordable Housing in-lieu fee of \$111,200.00.

**ENGINEERING**

8. The subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The subdivider shall ensure that all existing 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.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
11. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

12. "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).
13. "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."
14. 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.

## SEWER AND WATER

15. The developer shall grant adequate sewer, and/or access easements, including access to each manhole, for all public sewer facilities that are not located within public rights of way, satisfactory to the Metropolitan Wastewater Department Director.
16. No structures or landscaping that would inhibit access shall be installed in or over any sewer access easement.
17. No approved structures or landscaping, including private utilities and enhanced paving, shall be installed in or over any sewer easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement
18. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
19. 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&R's for the operation and maintenance of onsite private sewer mains that serve more than one ownership.
20. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
21. For public onsite sewer facilities located within a gated community, the developer shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Metropolitan Wastewater Department Director. The City will not be held responsible for any issues that may arise relative to possession of the keys.
22. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
23. 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, shall be modified at final engineering to comply with standards.

**INFORMATION:**

- The approval of this Tentative Map by the City Council 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.
- 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON JUNE \_\_\_\_, 2009.

APPROVED: \_\_\_\_\_, City Attorney

By \_\_\_\_\_

Deputy City Attorney

La Jolla Community Planning Association  
CDP CONSENT AGENDA  
August 7, 2007

Attention: Bob Korch , Project manager

7/17/07

CDP FINAL

Project Name: LA JOLLA CONDOS  
7570 La Jolla Boulevard

Permits: CDP / SDP / MW

Project Number: JO 42-5012 / PTS 80161

DPM: Bob Korch 619-446-5229

RKorch@sandiego.gov

Zone: RS-1-4

Applicant: Gary Cohn 858-755-7308

Gary@Cohn-Arch.com

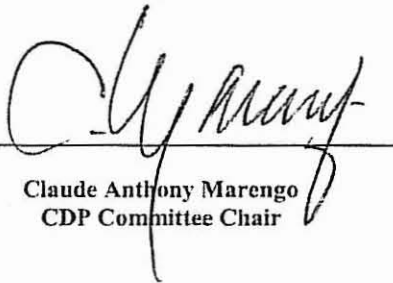
James Harris, jim@cohn-arch.com

Scope of Work: CDP / SDP / MW/PDO (Process 3) application to waive the requirements of a Tentative map to demolish an existing building and construct 8 residential condominium units on a 0.344 acre site.

Subcommittee Findings can be made with the condition that no structure or landscape block the neighbor to the north's  
Motion: access to light and ventilation due to the neighbors building having previously conforming set backs and that the drainage of the north neighbor be handled by the neighbor and not impact the project site.  
(Lyon/Merten) Vote: 6-0-1

C.P.A VOTE: (Hayes/Lyon: 15-0-0)

Signature



Claude Anthony Marengo  
CDP Committee Chair

Date:

August 15<sup>th</sup> 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: LA JOLLA CONDOMINIUMS Project No. For City Use Only: 80161  
 Project Address: 7570 LA JOLLA BLVD.

**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 1 OF 2

Name of individual (type or print): VICTOR & LONIO CHAN  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 4129 SCUDDER STREET  
 City/State/Zip: ST. PAUL, MN 55108  
 Phone No: 651.644.6016 Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of individual (type or print): HONG RONG & RU LIEN CHEN  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 4129 SCUDDER STREET  
 City/State/Zip: ST. PAUL, MN 55108  
 Phone No: 651.644.7745 Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of individual (type or print): YVN LONG & YA CHAIN CHEN  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 4129 SCUDDER STREET  
 City/State/Zip: ST. PAUL, MN 55108  
 Phone No: 651.644.7745 Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of individual (type or print): GRACE LAI  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: 1624 TORREY PINES RD.  
 City/State/Zip: LA JOLLA, CA 92037  
 Phone No: 858.454.7568 Fax No: \_\_\_\_\_  
 Signature: [Signature] Date: 8-2-05





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 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other \_\_\_\_\_

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 LA JOLLA CONDOMINIUMS 80161  
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Additional pages attached  Yes  No 2 of 2

Name of Individual (type or print):  
 CHE SHIANG & WAN YU CHEN  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 7 JOHNSON MILL ROAD  
 City/State/Zip:  
 BALTIMORE, MD  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print):  
 SHEN SHU & WAN SHUN TSENG  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 8669 CHATEAU DRIVE  
 City/State/Zip:  
 POTOMAC, MD  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print):  
 NAISIN & WANSHU LEE  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 900 LOYOLA DRIVE  
 City/State/Zip:  
 LOS ALTOS, CA  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print):  
 ALBERT Y.C. & JIH JING HONG  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 21611 FOXTAIL DRIVE  
 City/State/Zip:  
 KILDEER, IL 60047  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LA JOLLA CONDOMINIUMS**  
**Project No. 80161**  
**Project Chronology**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
9/21/05	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
10/21/05	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month	
4/20/06	Applicant submits second full set of plans.	Applicant's revised set of plans submitted in response to first assessment letter from City staff.		5 Months 22 Days
5/23/06	Second Assessment Letter	Second Assessment Letter identifying all remaining/outstanding issues.	1 Month 3 Days	
3/15/07	Applicant submits third set of plans.	Applicant's revised set of plans submitted in response to second assessment letter from City staff.		9 Months 22 Days
4/12/07	Third Assessment Letter	Third Assessment Letter identifying all remaining/outstanding issues.	28 Days	
07/23/08	Applicant submits Archeology Report	Applicant's revised Archeology Report – expanded issue		15 Months 11 Days
1/5/09	Archeology Report Review ends	Environmental & Historical Review of Archeology Report	6 Month 12 Days	
2/4/09	Issues resolved	Staff determines project issues resolved, okay Process 5 Planning Commission hearing to proceed.	29 Days	
5/21/09	Planning Commission Hearing	Public Hearing	3 Months	
<b>TOTAL STAFF TIME</b>		Averaged at 30 days per month	<b>12 Months 15 Days</b>	
<b>TOTAL APPLICANT TIME</b>		Averaged at 30 days per month		<b>31 Months 25 Days</b>
<b>TOTAL PROJECT RUNNING TIME</b>			<b>44 Months, 10 Days</b>	